

THE
1607/3843
FORM OF PROCESS

In the
Judicatories of the Church of SCOTLAND;

With relation to
SCANDALS AND CENSURES:

To which is subjoined,
**Several ACTS and OVERTURES of the
GENERAL ASSEMBLIES there anent:
And other Things of a public and inter-
esting Nature.**



G L A S G O W:

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1607/3843.

An Act of the General Assembly approving a Form of
Process, &c.

Edinburgh, 18th April 1707. Sess. 11.

THE general assembly having this day and at several former diets had read in their audience the Overtures concerning a Form of Process in the judicatories of this church with relation to scandals and censures, which were transmitted by the late general assembly to the several presbyteries for their judgment thereupon, and having maturely considered the said whole overtures with the remarks and observations of presbyteries made upon the same, after full reasoning, both in committees and open assembly upon the several particulars contained in the said form of process, the general assembly did by their votes *nemine contradicente*, and hereby do ratify and approve the foresaid Form of Process as now amended in the whole heads and articles thereof, and appoint and ordain the same to be observed and practised by the respective judicatories of this church as an act and ordinance of assembly, and as fixed binding rules and directions in the whole matters therein contained, except the 7, 8 and 9 paragraphs of the fourth chapter and what concerns the pressing of the oath of purgation. As to which the general assembly supercedes at this time to enjoin the observation thereof as positive standing rules, but they did and hereby do unanimously recommend to the several presbyteries and other judicatories of the church, that they regulate themselves according to the advice therein insinuated, as they shall find to tend most for edification; The tenor of which Form of Process follows.



THE

THE
FORM OF PROCESS,

CHAP. I.

*Concerning Church Government, Discipline, Scandals
and Censures in general.*

OUR Lord Jesus Christ hath instituted a government, and governors ecclesiastical in his house, with power to meet for the order and government thereof; and to that purpose, the apostles did immediately receive the keys from the hands of their Lord and Master Jesus Christ, and did use and exercise the same upon all occasions, and Christ hath from time to time furnished some in his church with gifts for government, and with commission to exercise it when called thereunto, and has promised his presence to be with them to the end of the world.

2. It is agreeable to, and founded on the word of God, that some others, besides these who labour in the word and doctrine be church governors, to join with the ministers of the word in the government of the church, and exercise of discipline and oversight of the manners of the people, which officers are called ruling elders: As also, that the church be governed by several sorts of judicatories, and one in subordination to the other, such as kirk-sessions, presbyteries, provincial synods and general assemblies.

3. Church discipline and censures, for judging and removing of offences are of great use and necessity in the church, that the name of God by reason of ungodly and wicked persons living in the church, be not blasphemed, nor his wrath provoked against his people, that the godly be not leavened with, but preserved

from the contagion, and stricken with fear, and that sinners who are to be censured may be ashamed, to the destruction of the flesh, and saving of the spirit in the day of the Lord Jesus.

4. Nothing ought to be admitted by any church judicatory as the ground of a process for censure, but what hath been declared censurable by the word of God, or some act of universal custom of this national church agreeable thereto; and the several judicatories of this church ought to take timous notice of all scandals: But it is judged, that if a scandal shall happen not to be noticed in order to censure for the space of five years, it should not be again revived, so as to enter in a process thereanent, unless it be of an hainous nature, or become again flagrant, but the consciences of such persons ought to be seriously dealt with in private to bring them to a sense of their sin and duty.

5. These assemblies or church judicatories before-mentioned have power to convey and call before them any persons within their own bounds, whom the ecclesiastic business, which is before them doth concern, either as party, witness, or otherwise, and to examine them according to the nature of the affair, and to hear and determine in such cases as shall orderly come before them, and accordingly dispense church censures.

6. If a person be charged with a scandal, who lives within the bounds of another parish, the kirk session of the parish where that person resides should be desired to cause cite that person to answer before the session in whose bounds the scandal happened, and the same course is to be followed in such cases by the other judicatories of the church, seeing for order's sake they should not presume to exercise their authority without their own bounds.

7. The minister of the word being an office above that of the ruling elder, cannot be liable to the censure of the kirk session but to the superior judicatories of the church,

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C H A P. II.

*Concerning the entering of Processes, citation of Parties,
and Witnesses, and taking Depositions, and anent Fu-
gitives from Discipline.*

Members of kirk sessions are wisely to consider the information they get of scandals, and consult with their minister thereanent, even before the same be communicate to others, that thereby the spreading of the scandal may be prevented, and it may be removed by private admonition according to our Lord and Saviour's rule, Matth. xviii. 15. which, if amendment follow, is the far better way of gaining and recovering a lapsed brother, whereas the needless spreading of a scandal does sometimes harden the guilty, grieve the godly, and is dishonourable to religion.

2. When any business is moved in a church judicatory, whether by information, petition, or otherwise, they are in the first place to consider, whether the matter in its circumstantial case be proper for them to enter upon, and whether it be orderly brought in, and proper for them to cognosce and discuss it themselves, or prepare it for superior judicatories, and should endeavour to shorten their work as much as with the edification of the church they can, especially as to the head of scandal, but still on all occasions the office bearers in the house of God are to shew all prudent zeal against sin.

3. In proceeding in all causes, where there is any person or parties concerned, the judicatory is to see, that before they proceed, these persons or parties be duly sifted before them by a legal and timous citation in write, bearing its cause, either at the instance of a party complaining, or at least by order of the judicatory; and if they be residing within the parish, the same may be upon forty eight hours advertisement, and the execution of the summonds bearing its cause, and made before two or three witnesses insert, is to be returned

by the beadle or officer in writing, and the persons cited, called at the door; and this is especially to be observed by presbyteries and other superior judicatories of the church.

4. Sometimes it may be fit that the party be privately spoken to, before any citation be given or process begun, for their better gaining, in which case the minister is to exercise his own discretion, and take the concurrence of elders and others with him, but if the party cited as above, appear not, there ought to be a second and then a third citation given by the order of the sessions and presbyteries, either personally, or left at their dwelling house, before the judicatory declare the person contumacious, unless the party be cited to appear before a superior judicatory by reference or appeal, in which case there is not that need of so many citations, before the superior judicatory, the party having actually appeared before the inferior judicatory; and being cited *apud acta* to appear before the superior, and the same marked in the minutes, or having been declared contumacious before the cause was brought before the superior judicatory.

5. All citations *apud acta*, are peremptory, and if instructed, infer contumacy if not obeyed.

6. If the person do not appear on the third citation, or upon a citation *apud acta*, and no relevant excuse adduced and verified, though in that case he be censurable for contumacy, yet it may be fit the judicatory proceed to take cognition, either by examining witnesses upon oath, or by other documents of the verity of the scandals delated against him, before they censure him for contumacy.

7. If the party appear, then the moderator is to inform the person of the occasion of his being called, and to give him, if desired, a short note in writing thereof, with the names of the witnesses that are to be made use of.

8. There seems to be no need of accusers or informers in ecclesiastic processes, where the same are not raised at the instance of a party complaining formally, but
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the party if cited by order of the judicatory, is to answer the judicatory in what is laid to his charge: yet so, that if the party cited be found innocent and acquitted, those who informed the judicatory, whether the party require it or not, ought to be noticed, for either their calumny or imprudence, as the judicatory shall find cause.

9. If there be witnesses to be made use of in the process, a list of their names ought to be given to the defenders some time before, or at least at their comparance, and the witnesses ought to be timously cited to give evidence; and if they refuse after three citations given, and executions returned, may be proceeded with as contumacious, or if judged needful, after the first or second citation, application may be made to the civil magistrate, that he may oblige them to appear.

10. Before the witnesses be judicially examined, the accused person is to be called, and the relevancy of the libel discussed, and if the defender compare, he may object against any of them, and if the objection be relevant, and made evident to the judicatory, the witnesses are to be cast, but a person's being the delator or informer, doth not hinder him to be a witness, except in the case where he formerly complained for his own interest, or of pregnant presumptions of malice against the person accused.

11. Though there be no relevant objection, yet the witnesses are solemnly to be purged of malice, bribe or good deed done or to be done, and of partial counsel.

12. The witnesses are to be examined in presence of the accused party if comparing, and he may desire the moderator to propose such questions or cross questions to the witnesses, as may tend to his exculpation, which if the judicatory think pertinent are to be proposed, but no accused person is to interrupt the witnesses, or speak during the time of deposition.

13. If the party accused do before probation offer grounds of exculpation to be proven by witnesses, the moderator and clerk, if required, are to give warrant to cite the witnesses upon the party's charges, the rele-

vancy of the offered exculpation being first considered and sustained by the judicatory, and if the exculpation be fully proven as to the substance of the scandal, all further proof of the lybel and accusation must there sist, and the defender is to be assolizied, and if the lybel be special as to the time and place of a fact, and the accused more pregnantly allege and clearly prove *alibi*, but if the substance of the scandal be once sustained and depomed upon, there can be no place for exculpation, unless it be as to some extenuating or alleviating circumstances not contrary to, but consistent with the depositions already taken.

14. If the witnesses cannot subscribe their names to their depositions, the clerk is to mark that they declare they cannot write, and the moderator is to subscribe the same, whether they can subscribe or not.

15. After the depositions are ended, the parties being removed, the members of the judicatory at the same or some after dyet thereto appointed, are to advise the cause, and there and then to reason the affair calmly, speaking always to the moderator one after another, without interrupting one another, using no reflecting language to, or of one another, nor too long harangues or digressions.

16. If any person or persons under process for scandals abscond, they shall after being called before the judicatory and not compearing, be cited first from the pulpit of the parish where the process depends and where they reside, and if they do not thereupon appear before the judicatory before whom the process depends, they are by order of the presbytery to be cited from the pulpits of all the kirks within their bounds to compear before the presbytery; and if they do not then compear, they are to be declared fugitive from the church discipline, and the same intimate in all the kirks within the bounds of the presbytery, desiring, that if any knows of the said fugitives, they may acquaint the minister or elder of the bounds thereof, and the presbytery are to sist there until they get further notice of these persons.

C H A P. III.

Concerning Swearers, Cursers, Profaners of the Lord's Day, Drunkards and other Scandals of that nature.

IT may fall out that one single act of drunkenness or breach of the Lord's day, disobedience to parents, or of swearing, cursing, scolding, fighting, lying, cheating or stealing, may be clothed with such circumstances as may be a just ground of process immediately, and even bring the persons guilty under the censure of the lesser excommunication and suspension from the benefit of the sealing ordinances, and require their appearance in presence of the congregation to be rebuked, before relaxation, but the weight of this is duly to be pondered, and church judicatories and members thereof, are to consider, whether private admonition of the persons alleged and found guilty of the above scandals, if not clothed with such circumstances of bringing them to the public, will tend most to edification, and proceed accordingly.

2. But ordinarily in all such offences, the guilty for the first fault would be spoken to in private by the minister or an elder and admonished, and on promise from a sense of guilt to amend they may list there.

3. But if the person relapse, he should be called before the session, and if found guilty may be there judicially rebuked, where the session on promise, from a due sense of sin, to amend, may again list.

4. But if the person amend not after that, the session should orderly proceed, unless repentance appear and due satisfaction be offered, till they inflict the censure of the lesser excommunication and suspension from the benefit of the sealing ordinances, under which the censured are to ly till amendment and reformation.

5. With respect to scandals, the grossness whereof makes it necessary to bring the persons guilty oftener than once before the congregation, the rules prescribed by

by the fourth act of the general assembly anno one thousand seven hundred and five are to be followed.

6. If the guilty persons continue in this condition, or by under the censure of the lesser excommunication a considerable time, and yet be found frequently relapsing in these vices they are censured for, it may be constructed such a degree of contumacy, and so aggravate the crime as to found a process of the censure of the higher excommunication, which is to be inflicted, or not, as may tend most to the reclaiming of the guilty person and edification of the church.

CHAP. IV.

Concerning the sin of Fornication, Adultery and scandalous Carriage tending thereto.

IN delations about the sin of uncleanness, it falls frequently out, that when the matter is put to the strictest trial, all that can be proven is but presumptions of guilt or scandalous behaviour, and not the act of uncleanness, the same being a work of darkness; and therefore this should oblige the kirk session to be very cautious how to admit the public entering a process without good warrant, where there is not a child in the case, unless the scandal be very flagrant.

2. Many of these actions which give occasion to the raising a scandal of uncleanness, are such as are not themselves alone publicly censurable, but to be past by with a private rebuke or admonition.

3. Yet some of these actions which come under the name of scandalous behaviour, may be so lascivious and obscene, and clothed with such circumstances, as may be as offensive as the act of uncleanness itself, and as censurable.

4. If a married woman whose husband hath been notoriously absent for a considerable time, beyond the ordinary time that women use to go with child, be found with child, this also may give ground to a kirk session for a process against her; but in this case judicatories would

would be prudent in considering well all circumstances, and whether or not the person hath been always of chaste fame before, as also how the public fame now runs.

5. When an unmarried woman is known to be with child, the same gives ground to a kirk session for a process against her, and after she is cited before the session and appeareth, she is to be interrogate who is the father of that child, and though in other cases the divulging of a secret may be very imprudent and indeed the raising of a scandal, yet in this case where there is a child, whereby there is an undeniable scandal, and the keeping secret of the father a ground of greater offence, and of suspecting many innocent persons, if she discover not the father, she is to be looked upon as contumacious.

6. Prudence may sometimes require that the person she nameth to be the father of the child, be informed thereof, and spoke to privately, and if he deny the same, he is seriously to be dealt with to confess, but if he still deny, then the session is to cause cite him to appear before them.

7. In this process when the delated father compar-eth, he is to be interrogate, and if he deny, he is to be confronted with the woman, and the presumptions, as particularly held forth as possible, and all along there should be private treating with him, in all meekness, charity and seriousness, and if after all this he deny, though the woman's testimony can be no sufficient evidence against him, yet pregnant presumptions, such as suspicious frequenting her company, or being *solus cum sola in loco suspecto*, or in suspect postures and such like which he cannot disprove to the satisfaction of the session, may so lay the guilt upon him, as shew him, that there appears no other way of removing the scandal, but his appearance to be publicly rebuked therefore; if he will not submit himself to be rebuked as above, it perhaps may be more for edification that a true narrative of the case be laid before the congregation, and intimation given that there can be no further procedure in that matter, till God in his providence give further light,

to sit there at the time, than that an oath be prest; and upon refusal proceed to the higher excommunication; but if the person accused do offer his oath of purgation, and crave the privilege thereof, the presbytery may (if they shall judge it for edification and removing of the scandal) allow the same which may be to this purpose.

" I *A. B.* now under process before presbytery of
 " for that sin of _____ alleged to be committed by me
 " with *C. D.* and lying under that grievous slander,
 " being reputed as one guilty of that sin; I for ending
 " of the said process and giving satisfaction to all good
 " people, do declare before God and this _____ that
 " I am innocent and free of the said sin of _____ or
 " having carnal knowledge of the said *C. D.* and here-
 " by call the great God, the judger and avenger of all
 " falsehood, to be witness and judge against me in this
 " matter if I be guilty; and this I do by taking his
 " blessed name in my mouth, and swearing by him, who
 " is the great judge, punisher, and avenger as said is,
 " and that in the sincerity of my heart according to the
 " truth of the matter and mine own conscience, as I
 " shall answer to God in the last and great day, when
 " I shall stand before him to answer for all that I do
 " in the flesh, and as I would partake of his glory in
 " heaven after this life is at an end."

8. In taking this oath for purgation, all tenderness and caution is to be used, nor is the session to press any man thereto, but they are to deal with him and his conscience, as in the sight of God, and if he offer to give his oath, the judicatory are to accept it or not as they shall see cause, and then to proceed to remove the scandal, with the advice of the presbytery, as may be most to edification; but this oath is not to be taken in any case but this, when the presumptions are so great that they create such jealousy in that congregation and session, that nothing will remove the suspicion but the man's oath of purgation, and when his oath will probably remove the scandal and suspicion, in all other cases this oath is in vain, and so should not be admitted, and never but by advice of the presbytery.

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9. This oath for purgation is to be taken either before the kirk session or presbytery, or the congregations as the presbytery shall determine, and if the oath be taken before the session or presbytery, it is to be intimate to the congregation that such a person hath taken such an oath, and the party may be obliged to be present in the congregation, and may be put publicly to own his purging himself by oath, and so be declared free from the alleged scandal.

10. After an end is made as above with the delated father, the woman is to be dealt with to give the true father, and if after all serious dealing and due diligence she give no other, she is to be censured according to the quality of the offence confessed by her, without naming the person delated by her, the judicatory reserving place for further censure upon further discovery.

11. If the woman who hath brought forth the child, doth declare she knoweth not the father, alledging she was forced, as in the fields by a person unknown, or any the like reason; in these cases great prudence is to be used, the former behaviour of the woman exactly searched into, and she seriously dealt with to be ingenuous, and if she hath been of entire fame, she may be put to it to declare the truth as if she were upon oath, but not without the advice of the presbytery, and no formal oath should be taken, and if the woman confess she was not forced, but doth not know the man, whether married or unmarried, the same censure is to be inflicted upon her, as in the case of adultery.

12. If a person doth voluntarily confess uncleanness, and if there be no child, and the case be brought to the kirk session, the session is to inquire what presumptions there are of the truth of the thing confessed, or what may have moved the person to make that confession, whether it floweth from disquietness of mind, or from sinister design, as when a man suing to a woman for marriage is denied, and for revenge, or for to obtain his desire, spreads the report that he hath been guilty with her, they are to be dealt with, according as the presumptions upon search, are found, or not,

13. If it be found that there is no ground for the confession, and that it is false, the person confessing is to be censured as defaming himself, and likewise as a slanderer of the other party; and withal application is to be made by the session to the civil magistrate, that he may be punished according to law.

14. If there be need of witnesses, the directions formerly mentioned (chap. 2d.) are to be followed.

15. When persons guilty of uncleanness live one in one parish, and another in another parish, the process against them, and censures are to be before the session of the parish where the woman liveth, or where the scandal is most nottour.

16. If a scandal of uncleanness be committed where neither parties reside, as if persons having their fixed residence in one parish do commit uncleanness in another parish, or perhaps in the fields, or in the time of fairs or mercats; in these cases, they are to be processed and censured where their ordinary abode is, except the place of their abode be at a considerable distance from the place where the sin was committed, and the scandal be most flagrant where it was committed.

17. When there is a scandal of uncleanness whereof persons are guilty living in different parishes, the session where the sin was committed is to acquaint the other sessions where any of the persons resides, who are *ex debito* to cause summon these persons to appear before that session, where the scandal is to be tried.

18. When a person is convict of scandal by a session of another congregation than his own, and the censure of the lesser excommunication is inflicted, the session is to send an account thereof to that session to which he belongs, but there is no need of any other sentence of his own session, to fix the censure on him, but only a public intimation thereof to be made in his own parish.

19. When a person is censured and absolved from his scandal in another congregation than where he lives, he is to bring a testimonial of his absolution, which is to be intimate to the congregation he lives in, if the scandal be also flagrant there; otherways it will be sufficient

to intimate the same to the session, and the same is to be done in the case of the profession of repentance where there has been a sentence of the lesser excommunication.

CHAP. V.

Concerning appeals from a Kirk-session to a Presbytery, &c.

ALL persons who judge themselves leaved by the procedure or sentence of a kirk-session, may appeal to the presbytery by declaring and protesting at passing of the sentence, and should thereupon according to the eight act of the general assembly 1694, give in the appeal with the reasons thereof in write, to the moderator or clerk of the session, within the space of ten days after the time of appealing, and procure extracts thereof, and present the same to the next meeting of the presbytery thereafter, if there be a competent time, at least ten days free betwixt the time of appealing and the meeting of the presbytery; and should then insist in the appeal, wherein if the appealant fail, the appeal *ipso facto* falls and becomes null, and the appealant is to be held as contumacious, and proceeded against accordingly by the kirk session.

2. When an appeal is brought from a kirk session to a presbytery, the presbytery is to consider, whether the cause is of that nature, as it behoveth at length to come to the presbytry by the course of discipline, before the final determination thereof, as if it be in a process of alleged adultery or such like, then the presbytery to save themselves time may fall upon the consideration of the affair without insisting much upon the *bene* or *male appellatum*, though it seem to be preposterously appealed.

3. But if the cause be such as the kirk session are the competent and proper judges of, even to its ultimate decision, and if there hath been no cause given by the kirk session, by their breaking the rules of an orderly process, either by the course of the process, or by the incompetency of the censure, the presbytery is not to sustain the appeal.

4. If the presbytery do not sustain the appeal, and find there hath been some fault, passion or culpable mistake in the appealant, the presbytery is to inflict some censure, such as a reproof before the presbytery, or appoint an acknowledging of their precipitancy before their own session or such like, on these appellers they find to have been malicious and litigious, thereby to prevent unnecessary appeals, and that beside remitting back to the session, to stand either to the censure of the session, if it be inflicted already, or to sit themselves during the process if it be depending.

5. If the appeal be sustained, and yet upon proceeding on the cause the presbytery find the appealant censurable, it is always to be minded, that whatever censure be inflicted to remove the offence he hath given to the presbytery, yet the appealant if found guilty is to undergo a censure, either before the kirk session or congregation he belongs to, such as the presbytery thinks he deserves, else presbyteries will be always troubled with appeals.

6. If on the other hand, on trial of the process, the presbytery find the kirk session hath unwarrantably proceeded, either in contributing to the raising of a scandal, or inflicting the censure without a sufficient cause, and thereby the appealant leased; the presbytery is not only to absolve the appealant, but to take such ways as may be proper and effectual to vindicate the appealant's innocency, and wipe off the scandal taken at him.

7. Herein the presbytery is to exercise great prudence, doing justice to the innocent, yet so, as not to weaken the kirk session's authority in that congregation, if in justice it can be avoided.

8. But such an emergent may very well occasion the presbytery's giving the minister and elders of that session suitable injunctions and rules to walk by, or private admonitions, or to call for a visitation of their session register.

9. The same method is to be followed in appeals from presbyteries to synods, and from synods to general assemblies.

10. An appeal being made by parties, should list the execution of the sentence appealed from, only while the appeal is duly and diligently prosecute, and may thereby be determined, otherwise not, unless the judicatory appealed to, receive the appeal, and take the affair before them, and in that case the judicatory appealed from, is to list until the appeal be discust.

C H A P. VI.

Concerning Processes, which natively begin at the Kirk-session, but are not to be brought to a final determination by them.

THERE are some processes, which natively begin at the kirk session, which, for the atrocity of the scandal, or difficulty in the affair, or general concern, the session having the opportunity of frequent meetings of the presbytery to have recourse there unto, do not determine of themselves, such as scandals of incest, adultery, trilapses in fornication, murder, atheism, idolatry, witchcraft, charming, and heresy and error, vented and made public by any in the congregation, schism and separation from the public ordinances, processes in order to the highest censures of the church, and continued contumacy; but the kirk session having received information of such gross scandals, they are to weigh the same according to the rules and directions prescribed them in processes, which belong to their peculiar province, and if they find good ground for a process, they are to deal with the person accused to confess, that which now cannot be hid nor amended, till satisfaction be made to the church, which when done, the session is to refer the case, and send an extract of their procedure thereanent to the presbytery.

2. When there is no confession of the scandals above-mentioned, the session are not to proceed to lead probation by witnesses or presumptions, till an account of the matter be brought by reference to the presbytery as aforesaid, and the presbytery do thereupon appoint the

session to proceed and lead probation ; and after probation is led, the same is to be brought to the presbytery, who may inflict what censure they see cause.

3. Sometimes it will fall out that the process is so clear, as in a case of judicial confession, that the kirk session may summon the delinquent when before them *apud acta*, to compare before the presbytery, without previous acquainting them thereof, but where there is any difficulty, the kirk session should inform the presbytery and take their advice before a party be summoned before them.

4. When the party or parties compare before the presbytery, if they confess and profess repentance for their sin, then the presbytery having gravely rebuked, and seriously exhorted the party or parties, are to determine the censure, and prescribe the time and place of the parties, their profession of their repentance publicly in the church of that congregation where the process began, the scandal being there to be taken away, or remit them to the session to receive orders thereanent.

5. It is thought more fit that the delinquents be appointed to remove the scandal in the congregation, where the offence is most flagrant, especially if they reside there, rather than in the place where it was committed, if it be not public there, and that intimation of the removing thereof be made in other places, if the judicatory shall find it needful.

6. When persons censured for these grosser scandals do apply to the kirk session for relaxation, they may both be privately conferred with, and likewise their acknowledgments heard before the session, but they ought not to be brought before the congregation, in order to their absolution, no absolved, but by advice and order of the presbytery.

C H A P VII.

Concerning Processes against Ministers.

ALL processes against any minister, are to begin before the presbytery to which he belongeth, and not before the kirk session of his own parish.

2. The credit and success of the gospel (in the way of an ordinary mean) much depending on the entire credit and reputation of ministers, their sound doctrine and holy conversation, no stain thereof ought lightly to be received, nor when it comes before a judicatory ought to be negligently enquired into, or when found evident, ought to be slightly censured.

3. And because a scandal committed by a minister hath on these accounts many aggravations, and once raised, though it may be found to be without any ground, yet it is not easily wipt of; therefore a presbytery would exactly ponder by whose information and complaint it comes first before them, and a presbytery is not so far to receive the information, as to proceed to the citation of a minister; or any way begin the process, until there be first some person, who under his hand gives in the complaint with some account of its probability, and undertakes to make out the lybel. *2do.* Or at least do before the presbytery undertake to make it out under the pain of being censured as slanderers. Or *3tio.* That the *fama clamosa* of the scandal be so great, as that the presbytry for their own vindication see themselves necessitate to begin the process, without any particular accuser: but the presbytery in this case would be careful, first, to enquire into the rise, occasion, broachers and grounds of this *fama clamosa*.

4. All christians ought to be so prudent and wary in accusing ministers of any censurable fault, as that they ought neither to publish nor spread the same, nor accuse the minister before the presbytery without first acquainting the minister himself if they can have access thereto, and then, if need be, some of the most prudent of the

ministers and elders of that presbytery, and their advice got in the affair.

5. If there shall be ground found to enter in a process against a minister, the presbytery should first consider the lybel, then order him to be cited, and to get a full copy, with a list of the witnesses names to be led for proving thereof, and a formal citation in write is to be made either personally, or at his dwelling house, bearing a competent time allowed to give in answer to the lybel, and his just defence and objections against witnesses, at least ten free days before the day of compareance, and the citation should bear the date when given, and the names of the witnesses to the giving thereof; and the execution bearing its date, with the names and designations of the witnesses should be made in write, and signed by the officer and witnesses, which being accordingly returned, he is to be called, and if he compear, the lybel is to be read unto him, and he is to be enquired if he has any answers to give in to the lybel, that they may be read and considered, in order to the discussing of the relevancy, and if the presbytery find the same, and that there is cause to insist, they are to endeavour to bring him to a confession, whereby he may most glorify God; and if he confess, and the matter confest be of a scandalous nature, censurable in others, such as the sin of uncleanness, or some other gross scandal, the presbytery (whatever be the nature of his penitency, though to the conviction of all) are *instante* to depose him *ab officio*, and to appoint him in due time to appear before the congregation where the scandal was given, and in his own parish, for removing the offence, by the public profession of his repentance.

6. If a minister be accused of any scandal, and cited to appear before his own presbytery, and do absent himself by leaving the place, and be contumacious without making any relevant excuse, after a new public citation and intimation made at his own church when the congregation is met, he is to be holden as confest, and to be deposed and censured *instante* with the lesser excommunication; but if after some time he do not return
and

and subject himself to the censures of the church, he may be proceeded against till he be censured with the greater excommunication, if the judicatory see cause for it.

7. If the minister accused do appear and deny the fact after the relevancy is found, the presbytery proceeding to probation, and to find the truth of the matter, all the circumstances are to be exactly canvassed, and the accused heard to object against the witnesses. As also, he should be allowed to be present at the examination, and modestly to cross interrogate, and then the reputation of the witnesses and their hability duly regarded, and the examination considered. If after consideration of all these, the judicatory shall find the scandal sufficiently proven, they are to proceed to censure, as advised in the case of confession in paragraph 5th.

8. If the matter laid to the minister's charge be such practices as in their own nature manifestly subvert that order, unity and peace, which Christ hath established in his church, or unsoundness and heterodoxie in doctrine, then great caution would be used, and the knowledge and understanding of witnesses much looked into, and withal, if the errors be not gross and striking at the vitals of religion, or if they be not pertinaciously stuck unto, or industriously spread, with a visible design to corrupt, or that the errors are not spreading among the people, then lenitives, admonitions, instructions, and frequent conferences are to be tried to reclaim without cutting off, and the advice of other presbyteries sought; and unless the thing be doing much hurt, so as it admits of no delay, the synod or general assembly may be advised with in the affair, and the same intimate to the minister concerned.

9. If the lybel and complaint brought against a minister be a multitude of smaller things laid together, as several acts of negligence or other unsuitable actions, the presbytery in proceeding therein are to make a presbyterial visitation of that parish to which the minister belongs, and at the said visitation, are first to see if any of these things now laid to the minister's charge, were

committed *prior* to the last presbyterial visitation of that parish, and whether they were then laid to his charge, and if they were not, it would be tryed how they come to be laid to his charge now

10. If the presbytery find these things laid to his charge. to be committed since the last visitation, or find a satisfying reason wherefore they were not then tabled, they are to enquire what diligence hath been used in acquainting the minister with the offence taken at these things when first committed by him, and how far the minister hath been guilty of giving offence, after he knew offence to be taken.

11. It would likewise in this case be enquired, whether any of the complainers did first in a prudent private way inform any of the neighbour ministers, of some of these things committed by their minister, who is now challenged, before these offences came to be so many, as to merit a public and solemn trial, and accordingly the presbytery is to judge.

12. If the presbytery find upon trial, the complaint to resolve upon the minister's having committed such acts of infirmity or passion, as considering all the circumstances may be either amended and the people satisfied, and no such offence taken, or at least not to remain, so as to hinder the minister's profiting the people, and that the offence was taken by the minister's own people only or mainly; then the presbytery is to take all prudent ways to satisfy and reclaim both minister and people, and do away the offence.

13. But before a minister deposed for scandalous carriage can be restored to the exercise of the ministry, there would not only be convincing evidences of a deep sorrow for sin, but an eminent and exemplary humble walk, and edifying conversation, so apparent and convincing as hath worn out and healed the wound the scandal gave.

14. Immediately on the minister's being deposed by the presbytery, the sentence is to be intimate in his congregation, the church declared vacant, the planting thereof with another minister hastened, and never delayed

laid on the expectation of his being reponed, it being almost impossible, that ever he can prove useful in that parish again.

C H A P. VIII.

Concerning Processes in order to the censure of the greater Excommunication.

SINCE there is a distinction betwixt the greater and the lesser excommunication, it seems that whatever have been the causes of the first process, yet ordinarily all processes that are in order to the greater excommunication are to be grounded on manifest contumacy, or obstinate continuance in scandalous practices; and where there is no manifest contumacy, or continuance as aforesaid, the lesser excommunication needs only have place. Yet in some extraordinary cases, the church according to scripture warrant hath summarily excommunicated persons guilty of nottour atrocious scandalous sins, to shew the church's abhorrence of such wickedness.

2. Even where there hath been a scandal delated, and contumacy following by not appearing, it would be considered, whether any scandalous practice hath been proven, or not, if not proven, then only the simple contumacy is to be proceeded against, for which it were hard to go a greater length than the lesser excommunication.

3. If the scandal hath been proven, and the censure of the lesser excommunication intimated as in chapter third; it seems most reasonable that there be no farther proceeding, unless the scandal be gross, or of an heinous nature, or that it is spreading and infectious, as in heresies or schism in the church. In which cases contumacy is to be proceed against in order to the greater excommunication.

4. The kirk session having brought the process to an intimation of the censure of the lesser excommunication, before they inflict the same, they are to refer the affair to the presbytery, bringing their whole proceedings before the presbytery in write, that the presbytery may thereby have a clear and full view of the whole affair.

5. The presbytery finding the kirk session hath order-

ly proceeded, and that the lesser excommunication is not sufficient, and that the affair is so weighty as to oblige them to enter on the process, they are to cause their officer to cite the scandalous person.

6. If the party appear, then the presbytery is to proceed in the enquiry at the accused, about the scandal alleged and lybelled, and if he deny it, then they are to proceed and lead probation as in other cases.

7. But if the party appear not, but contemn the citation, the presbytery causeth renew the same, until he hath got three citations, and after the three citations he is to be cited out of the pulpit: and for the further conviction of all concerned, intimation is to be made, that the judicatory will proceed and enquire into the presumptions or probation of the guilt, and this is to be done although the delinquent be absent.

8. Then the presbytery is to order the minister of the congregation next Sabbath after forenoon's sermon, to acquaint the congregation what proceedings the kirk session first, and thereafter the presbytery hath made in the affair, and how contumacious the party was, and that the presbytery intended to proceed to the highest censure; and the minister is gravely to admonish the party (if present) to repent and submit himself to the discipline of the church, threatening him, if he continue impenitent, that the church will proceed, yea though he be absent, the minister is to acquaint the people, that the church requires him to repent and submit as aforesaid, under the foresaid certification.

9. There should be three public admonitions, and a presbytery should interveen betwixt each admonition; and if after all, that person continue impenitent or contumacious, the same is to be represented to the presbytery, who are thereupon to appoint public prayers thrice to be made, in which the minister is to exhort the congregation seriously to join with him in prayer, for the scandalous, impenitent or contumacious person, which he is solemnly to put up to God, humbly begging that he would deal with the soul of the impenitent, and convince him of the evil of his ways.

10. These public prayers of the church are to be put up

up three severall Sabbath days, a presbytery (where its meeting are more frequent once a month at least) intervening betwixt each public prayer, both to shew the churches tenderness towards their lapsed brother, their earnestness to have him reclaimed, and likewise to create a greater regard and terror of that dreadful censure, both in the party and in all the people.

11. If after all, the scandalous person makes no application, but continue impenitent; the presbytery, after prayer, is to pass sentence, and appoint a minister to intimate the same, and to shew the presbyteries resolution to proceed upon such a Sabbath as they shall name, for pronouncing that dreadful sentence solemnly in face of the congregation, unless either the party or some for him, signify some relevant ground to stop their procedure.

12. That day being come, it were fit the minister did preach a sermon suited to that solemn occasion, or at least after sermon the minister should show the congregation what he is going about, introducing the narrative of the process, with a discourse concerning the nature, use and end of church censures, particularly that of the greater excommunication, if he hath not done it fully in his sermon.

13. The narrating all the steps of the process in order, shewing the churches faithfulness and tenderness towards the scandalous person, and declaring his obstinate impenitency; and that now after all other means were used, there remained only that of cutting off the scandalous person from the society of the faithful, and intimating the churches warrant and order to him so to do.

14. And before the minister pronounce the sentence, he is to pray and desire all the congregation to join with him therein, that God would grant repentance to the obstinate person, would graciously bless his own ordinance, and make the censure effectual, both to edify others, and to be a mean to reclaim the obstinate sinner.

15. Then after prayer, the minister is with great gravity and authority to pronounce the censure, shewing his warrant from our Lord's command, and the apostle

Paul's

Paul's direction, and recapitulating the presbyteries warrant in obedience thereunto. and resuming the scandalous and obstinate person's behaviour, whom he is to name; he therefore in the name and authority of our Lord and Master Jesus Christ doth *in verbis de presenti* pronounce and declare him or her excommunicated and shut out from the communion of the faithful, debarring that person from their privileges, and in the words of the apostle, delivering that person over to Satan, which sentence is to be intimate according to the 9th act of the assembly Anno 1704.

16. If after prayer or before the censure be pronounced, the scandalous person do make any public signification of his repentance, and of his desire to have the censure stopt, the minister upon apparent seriousness in the scandalous person, which he sheweth to the congregation, may thereupon delay pronouncing the sentence, till he report to the presbytery at their next meeting, who are then to deal with the scandalous person as they shall find cause.

17. After the pronounciation of this sentence, the people are to be warned that they hold that person to be cast out of the communion of the church, and that they shun all unnecessary converse with him or her, nevertheless excommunication dissolveth not the bonds of civil or natural relations, nor exempts from the duties belonging to them.

18. Although it be the duty of pastors and ruling elders to use all diligence and vigilance, both by doctrine and discipline respectively, for preventing and purging out such errors, heresies, schisms and scandals as tend to the detriment and disturbance of the church; yet because it may fall out through the pride and stubbornness of offenders, that these means alone will not be effectual to that purpose; it is therefore necessary after all this, to imploy the aid of the civil magistrate, who ought to use his coercive power for the suppressing of all such offences, and vindicating the discipline of the church from contempt.

Concerning the order of proceeding to Absolution.

IF after excommunication, the signs of repentance appear in the excommunicated person, such as godly sorrow, for having incurred God's heavy displeasure by his sin, occasioned grief to his brethren, and justly provoked the church to cast him out of their communion, together with a full purpose of heart to turn from his sin unto God through Christ, and to reform his life and conversation, with an humble desire of recovering peace with God and his people, and to be restored to the favour of God and light of his countenance, through the blood of Jesus Christ, and to the communion of the church, and the presbytery upon his application be satisfied therewith, and judge that he ought to be absolved, and thereupon give warrant for his absolution; he is to be brought before the congregation, and there also to make free confession of his sin and sorrow for it, to call upon God for mercy in Christ, to seek to be restored to the communion of the church, promising to God through grace new obedience, and more holy and circumpect walking as becomes the gospel, and that this appearance before the congregation, be as often as church judicatories shall find may be for edification and tryal of the professing penitent's sincerity, and being satisfied in this, then the minister and congregation are to praise God, who delighteth not in the death of a sinner, but rather that he should repent and live; as also for blessing the ordinance of excommunication, and making it effectual by his spirit to the recovering of this offender, to magnify the mercy of God through Jesus Christ, in pardoning and receiving to his favour the most grievous offenders whensoever they unfeignedly repent and forsake their sins; but before the minister proceed to absolution, he is to pray with the congregation to this effect. ' That the Lord Jesus Christ, prophet, priest and king of his church, who with the preaching of the gospel hath joined the power to bind and loose the sins of men, who hath also declared, that whatsoever by his ministers is bound on earth, shall be bound in heaven, and also that whatsoever is loosed

' by the same, shall be loosed and absolved in heaven,
 ' would mercifully accept his creature *N.* whom Satan
 ' of long time hath holden in bondage, so that he not
 ' only drew him to iniquity, but also so hardened his
 ' heart, that he despised all admonitions, for the which
 ' his sin and contempt, the church was compelled to
 ' excommunicate him from the society of the faithful ;
 ' but now seeing the holy spirit by his grace hath so
 ' prevailed, that he is returned and professeth repentance
 ' toward God and faith toward our Lord Jesus Christ,
 ' that it may please God by his spirit and grace to make
 ' him a sincere and unfeigned penitent, and for the obe-
 ' dience of our Lord Jesus Christ unto death, so to ac-
 ' cept of this poor believing and returning sinner, that
 ' his former disobedience be never laid to his charge,
 ' and that he may encrease in all godliness, so that Sa-
 ' tan in the end may be trodden under feet by the pow-
 ' er of our Lord Jesus Christ, and God may be glori-
 ' fied, the church edified, and the penitent saved in the
 ' day of the Lord.'

2. Then shall follow the sentence of absolution in
 these or the like words ; ' Whereas thou *N.* hast for thy
 ' sin been shut out from the communion of the faithful,
 ' and hast now manifested thy repentance wherein the
 ' church resteth satisfied, I in the name of the Lord
 ' Jesus, before this congregation, pronounce and de-
 ' clare thee absolved from the sentence of excommuni-
 ' cation formerly denounced against thee, and do re-
 ' ceive thee to the communion of the church, and the
 ' free use of all the ordinances of Christ, that thou
 ' mayest be partaker of all his benefits to thy eternal
 ' salvation.'

3. After this sentence of absolution, the minister
 speaketh to him as to a brother, exhorting him to watch
 and pray, and comforting him as there shall be cause ;
 the elders embrace, and the whole congregation holdeth
 communion with him, as one of their own, and the ab-
 solution should be intimate in all the churches where the
 excommunication was intimate.

Several Acts and Overtures of the General Assemblies, &c.

Act Of the general assembly, 1638. Sess. 23. 24. December 17. 18.

ANent the report of the committee, appointed for considering what constitutions were to be revived, or made of new, they proponed the overtures following; which were read and allowed by the whole assembly, or by them referred to the consideration of the several presbyteries.

Anent presbyteries which have been erected since the year 1586. It seemeth needful, that they be ratified by an act of this general assembly, and that other presbyteries shall be erected, where they shall be found needful, and especially now in the synod of Lismore, according to the particular note given there anent.

The assembly ratifieth these presbyteries since 1486, and erected those in Lismore, conform to the note registered in the books of assembly.

Anent the keeping of presbyterial meetings; it is thought fit that they be weekly, both in summer and winter, except in places far distant, who during the winter season, (that is between the first of October and the first of April) shall be dispensed with for meeting once in the fourteen days, and that all absents be censured, especially those who should exercise and add, according to the Act of assembly 1582. at St. Andrews, April 24. Sess. 12. and that some controverted head of doctrine be handled in the presbyterie publicly, and disputed among the brethren, every first presbyterie of the month, according to the act of assembly holden at Dundee 1598. Sess. 12.

The assembly alloweth this article.

Anent the visitation of particular kirks within presbyteries; it is thought expedient that it be once every year, wherein a care is to be had, among other things necessary, that it be tried, how domestic exercises of religion be exercised in particular families, and to see what means there are in every parish in Landward, for catechising and instructing the youth.

The assembly alloweth this article.

IV. Anent the visitation of kirks, schools and colleges; it is thought meet that the acts of assembly holden at Edinburgh the 25th June, 1565. Sess. 2. be put in execution; that the ministers of the parochin, the principal, regents, and professors within colleges, and masters, and doctors of schools, be tried concerning the soundness of their judgment in matters of religion, their ability for discharge of their calling, and the honesty of their conversation, as the act of assembly at Edinburgh, June 21. 1567. Sess. 3. and the act of the assembly holden at Montrose, 1595 Sess. 9. do import; and this visitation of colleges to be by way of commission from the general assembly.

The general assembly alloweth this article.

V. Anent non-residents; it is thought necessary, that every minister be obliged to reside in his own parochin at his ordinary manse, for the better attending of the duties of his calling, conform to the acts of assemblies, viz. Act of assembly at Edinburgh, March 24. 1595. Sess. 7. as also act at Edinburgh, December 25. 1563. Sess. 5. and assembly at Edinburgh, December 25. 1565. Sess. 4. assembly at Edinburgh, March 6. 1572. Sess. 3.

The assembly alloweth this article.

VI. Anent the planting of schools in Landward, the want whereof doth greatly prejudice the growth of the gospel, and procure the decay of religion; the assembly giveth direction to several presbyteries for the settling of schools in every Landward parochin, and providing of men able for the charge of teaching the youth, public reading and presenting of the psalm, and the catechising of the common people, and that means be provided

ed for their entertainment, in the most convenient manner that may be had, according to the ability of the parochin.

The assembly alloweth, and referreth the particular course unto the several presbyteries.

VII. Anent the late admission of ministers by presbyteries, and the choice of moderators, according to the ancient power of the said presbyteries; the assembly declareth they had power to do the same, and ratifieth that what hath been done of late of that kind upon warrantable grounds, that hereafter it be not called in question.

The assembly alloweth this article.

VIII. Anent the competency of presbyterie and parochins, that some proportion may be kept, both anent the number and distance of place; it would seem expedient that this general assembly should appoint a commission for every shire, where there is such necessity that the particular parochins and presbyteries within the bounds be duly considered, and overtures be these of the same commission given in to the provincial synods, and by them to the general assembly, that there they may be advised and ratified.

The assembly referreth this to the care of the particular presbyteries.

IX. Anent the entry and conversation of ministers, it is expedient that the act of assembly holden at Edinburgh, March 24. 1595. Sess. 7. be ratified, and put in execution in every presbyterie, and to that end, that they get a copy thereof, under the clerks hand whereof the tenor followeth.

Act. Sess. 7. March 26. of the assembly at Edinburgh.
1596.

*C*Oncerning the defections in the ministry, the same being at length read out, reasoned and considered; the brethren concluded the same, agreeing therewith; and in respect that by God's grace, they intend reformation, and to see the kirk and ministry purged, to the effect
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the work may have better success, they think it necessary that this assembly be humbled, for wanting such care as became in such points, as is set down, and some zealous and godly brethren in doctrine, lay them out for their better humiliation; and that they make solemn promise before the majesty of God, and make new covenant with him for a more careful and reverent discharge of their ministry. To the which effect was chosen Mr. John Davidson; and Tuesday next at nine hours in the morning appointed in the new kirk, for that effect; whereunto none is to resort but the ministry; the form to be advised the morn in private conference.

The tenor of the advise of the brethren, depute for penning the enormities and corruptions in the ministry, and remead thereof, allowed by the general assembly here convened, 1596.

Corruptions in the Office.

FOR as much as by the too sudden admission and light trial of persons to the ministry, cometh to pass that many scandals fall out in the persons of ministers; it would be ordained in time coming, that more diligent inquisition and trial be used of all such persons as shall enter into the ministry.

As specially these points. That the intrant shall be posed upon his conscience, before the great God (and that in most grave manner) what moveth him to accept the office and charge of the ministry upon him.

That it be inquired, if any by solistation or moyen, directly or indirectly, prease to enter in the said office; and if it be found that the solister be repelled, and that the presbyterie repel all such of their number from voting in the election or admission as shall be found moyeners for the sollicitor, and posed upon their conscience to declare the truth to that effect.

Thirdly, because by presentations, many forcibly are thrust into the ministry, and upon congregations, that utter thereafter that they were not called by God; it would be provided that none seek presentations to benefices with-

out advice of the presbyterie, within the bounds whereof the benefice is, and if any do in the contrary, they to be repelled as rei ambitus.

That the trial of persons to be admitted to the ministry hereafter, consist not only in their learning and ability to preach, but also in conscience, and feeling, and spiritual wisdom, and namely in the knowlege of the bounds of their calling in doctrine discipline and wisdom to behave himself accordingly with the diverse ranks of persons within his flock, as namely with athiests, rebellious weak consciences, and such other wherein the pastoral charge is most kythed; and that he be meet to stop the mouths of the adversaries, and such as are not qualified in these points to be delayed to further trial, and while they be found qualified. And because men may be found meet for some places who are not meet for others, it would be considered, that the principal places of the realm be provided by men of most worthy gifts, wisdom and experience, and that none take the charge of greater number of people nor they are able to discharge; and the assembly to take order herewith, and the act of the provincial of Louthain, made at Linlithgow, to be urged.

That such as shall be found not given to their book and study of scripture, not careful to have books, not given to sanctification and prayer, that study not to be powerful and spiritual, not applying the doctrine to corruptions, which is the pastoral gift, obscure and too scholastic before the people, cold, and wanting of spiritual zeal, negligent in visiting of the sick and caring for the poor, or indiscreet in chusing of parts of the word not meetest for the flock, flatterers and dissembling at public sins, and specially of great personages in their congregation, for flattery or for fear, that all such persons be censured, according to the degree of their faults, and continuing therein, be deprived.

That such as be slothful in the ministracion of the sacraments and irreverent, as prophaners receiving the clean and unclean, ignorants and senseless prophane, and making no conscience of their profession in their calling and families, omitting due trial or using none, or light trial,

having respect in their trial to persons, wherein there is manifest corruption; that all such be sharply rebuked, and if they continue therein that they be deposed.

And if any be found a seller of the sacraments, that he be deposed simpliciter: and such as collude with scandalous persons in dispensing and over seeing them for money, incur the like punishment. That every minister be charged to have a session established of the meetest men in his congregation, and that discipline strike not only upon gross sins, as whoredom, bloodshed, &c. but upon sins repugnant to the word of God, as blasphemy of God, banning, prophaning of the sabbath, disobedient to parents, idle, unruly ones without calling, drunkards, and such like deboshed men, as make not conscience of their life and ruling of their families, and specially of education of their children, lying, slandering and backbiting, and breaking of promises; and this to be an universal order throughout the realm, &c. and such like as are negligent herein, and continue therein after admonition be deposed.

That none falling in public scandals, be received in their fellowship of the kirk, except his minister have some appearance and warrant in conscience, that he hath both a feeling of sin, and apprehension of mercy, and for this effect, that the minister travel with him by doctrine and private instruction to bring him hereto, and specially in the doctrine of repentance, which being neglected, the public place of repentance is turned in a mocking.

Dilapidation of benefices, dimitting of them for favour or money, that they become laick patronages, without advise of the kirk, and such like interchanging of benefices, by transaction and transporting of themselves by that occasion, without the knowledge of the kirk, precisely to be punished: Such like, that setting of takes without the consent of the assembly, be punished according to the acts; and that the dimitters in favours for money, or otherwise to the effect above-written, be punished as the Dilapidators.

Corruptions in their Persons and Lives.

That such as are light and wanton in their behaviour, as in gorgeous and light apparel, in speech, in using light and prophane company, unlawful gaming, as dancing, carding, dicing and such like, not becomming the gravity of a pastor, be sharply and gravely reprov'd by the presbyterie, according to the degree thereof, and continuing therein after due admonition, that he be deprived, as slanderous to the gospel.

That ministers being found swearers or banners, prophaners of the sabbath, drunkards, fighters, guilty of all these or any of them, be deposed simpliciter, and such like; liars, detractors, flatterers, breakers of promise, brawlers and quarrellers, after admonition continuing therein, incur the same punishment.

That ministers given to unlawful and incompetent trades and occupations for filthy gain, as holding of ostleries, taking of ocker beside conscience and good laws, and bearing worldly offices in noblemen and gentlemen houses, merchandise and such like, buying of victuals, and keeping to the dearth, and all such worldly occupations as may distract them from their charge, and may be slanderous to the pastoral calling, be admonished and brought to the acknowledging of their sins, and if they continue therein, to be deposed.

That ministers not resident at their flocks, be deposed according to the acts of the general assembly, and laws of the realm, otherwise the burthen to be laid on the presbyteries, and they to be censured therefore.

That the assembly command all their members, that none of them await on the court and affairs thereof, without the advice and allowance of their presbyterie. Item, That they intend no action civil without the said advice, except in small matters, and for remedying the necessity, that some ministers hath to enter in plea of law, that remedy be craved, that short process be devised, to be used in minister's actions.

That ministers take special care in using godly exercises

in their families, in teaching of their wives, children, and servants, in using ordinary prayers and reading of scriptures, in removing of offensive persons out of their families and such like other points of godly conversation, and good example, and that they at the visitation of their kirks, try the ministers families in these points foresaid, and such as are found negligent in these points foresaid, after due admonition, shall be adjudged unmeet to govern the house of God, according to the rule of the apostle.

That ministers in all companies strive to be spiritual and profitable, and to talk of things pertaining to godliness, as namely of such as may strengthen us in Christ, instruct us in our calling, of the means how to have Christ's kingdom better established in our congregations, and to know how the gospel flourisheth in our flocks, and such like others the hindrances, and the remedies that we find, &c. wherein there is manifold corruptions both in our companying with ourselves and with others, and that the contraveeners thereof be tried, and sharply be rebuked.

That no minister be found to countenance, procure, or assist a public offender challenged by his own minister, for his public offence, or to bear with him, as though his minister were too severe upon him, under the pain of admonition and rebuking.

Act anent Appellations. Aug. 30. 1639.

THE Assembly appointed that in all time hereafter, no appellations should be, leaping over either presbyterie or synod, but to ascend by degrees as from the kirk session to the presbyterie, or from the presbyterie to the synod, and from the synod to the general assembly, except it be after the synod be past, and immediately before the general assembly, or in the time thereof, and renews all former acts made to this effect.

*Act anent Ministers Catechising, and Family Exercises.
Aug. 30. 1639.*

THE Assembly considering that the long waited-for fruits of the gospel, so mercifully planted and preserved

preserved in this land, and reformation of ourselves and families, so solemnly vowed to God of late in our covenant, cannot take effect, except the knowledge and worship of God be carried from the pulpit to every family within each parish, hath therefore appointed that every minister, besides his pains on the Lord's day, shall have weekly catechising of some part of the paroch and not altogether cast over the examination of the people, till a little before the communion. Also, that in every family the worship of God be erected where it is not both morning and evening, and that the children and servants be catechised at home by the master of the families, whereof account shall be taken by the minister and elders assisting him in the visitation of every family; and lest they fail, that visitation of the kirks be seriously followed by every presbyterie for this end among others, The execution and success whereof being tried by the synods, let it be represented to the next general assembly.

Act anent the chusing of Kirk Sessions, Sess. 5. Aug. 1. 1642.

ANent the question moved to the assembly, concerning the election of kirk sessions, the assembly ordains the old session to elect the new session both in burgh and land. And that if any place shall vaik in the session chosen, by death or otherwise, the present session shall have the election of the person to fill the vacant room.

Act against slandering of Ministers. Sess. 13. Aug. 6. 1642.

THE General Assembly considering the malice of divers persons in raising calumnies and scandals against ministers, which is not only injurious to their persons, and discreditable to the holy calling of the ministry, but doth also prove often a great prejudice and hindrance to the promoting of the gospel: do
C 3 therefore

therefore ordain presbyteries and synods to proceed diligently in process against all persons that shall reproach or scandal ministers with the censures of the kirk, even to the highest, according as they shall find the degree or quality of the scandal deserve.

Act against Masters who have Servants that prophane the Lord's Day. Sess. 11. Aug. 14. 1643.

THE General Assembly declares, that the acts made against Salmond fishing upon the sabbath, or against any other labour upon the Lord's day, to be not only against servants who actually work, but also that the same should be extended against masters whose hired servants they are.

Act concerning dissenting Voices in Presbyteries and Synods. 1645.

THE Assembly thinks it necessary, if any member of presbyteries or synods shall find in matters depending before them, that the moderator shall refuse to put any thing of importance to voices; or if they find any thing carried by plurality of voices to any determination which they conceive to be contrary to the word of God, the acts of assembly, or to the received order of this kirk, that in either of these cases they urge their dissent to be marked in the register, and if that be refused, that they protest as they would desire to be free of common censure with the rest; and the assembly declares the dissenters to be censurable, if their dissent shall be found otherwise nor they conceived.

Act against Lykwakes. 1645.

WHEREAS the corrupt custom of lykwakes hath fostered both superstition and profanity through the land. This present assembly discharges the same in time coming, and appoints presbyteries to take special care for trying and censuring the transgressors of this act within their several bounds.

Act

Act recommending to Sessions to have the printed Acts of Assembly. 1645.

THE General Assembly, considering how necessary it is, that every session in a parish have the acts of the assembly for their use, doth therefore seriously recommend to every parish and session, to buy the printed acts of the assembly, and ordains presbyteries to crave account hereof from every minister, before their going to provincial assemblies; and likewise, that every provincial assembly crave account from presbyteries in their trials, if every session be so provided, and that they try the diligence of presbyteries and ministers used for that effect.

Act discharging promiscuous Dancing. Sess. 18. July 19. 1649.

THE Assembly finding the scandal and abuse that arises through promiscuous dancing, do therefore inhibit and discharge the same, and do refer the censure thereof to several presbyteries, recommending it to their care and diligence.

Act concerning Catechising. Sess. 30. July 30. 1649.

THE General Assembly taking to their serious consideration the great darkness and ignorance wherein a great part of this kingdom lieth, together with the late solemn engagement, to use all means for remedy thereof, do ordain every minister, with assistance of the elders of their several kirk sessions, to take course, that in every house where there is any who can read, there be at least one copy of the shorter and larger Catechism, Confession of Faith, and Directory for Family Worship. And do renew the act of assembly August 30. 1639. for a day of weekly catechising, to be constantly observed in every kirk; and that every minister so order their catethetic questions, as thereby the people (who do not

conveen all at one time but by turns unto that exercise) may at every dyet have the chief heads of saving knowledge in a short view presented unto them, and the assembly considering that notwithstanding of their former act, these dyets of weekly catechising are much slighted and neglected by many ministers throughout this kingdom, do therefore appoint and ordain every presbytery to take trial of all the ministers within their bounds once at least in the half year, whether they be careful to keep weekly dyets of catechising; and if they shall find any of their number negligent herein, they shall admonish for the first fault, and if after such admonition they shall not amend, the presbyterie for the second fault shall rebuke them sharply, and if after such rebuke they do not yet amend, they shall be suspended.

Directory for Election of Ministers. 1649.

WHEN any place of the ministry in a congregation is vacant, it is incumbent to the presbyterie with all diligence to send one of their number to preach to that congregation, who in his doctrine is to represent to them the necessity of providing the place with a qualified pastor, and to exhort them to fervent prayer and supplication to the Lord, that he would send them a pastor according to his own heart: as also he is to signify that the presbyterie out of their care of that flock will send unto them preachers whom they may hear, and if they have a desire to hear any other, they will endeavour to procure them an hearing of that person or persons upon the suit of the elders to the presbyterie.

2. Within some competent time thereafter, the presbyterie is again to send one or more of their number to the said vacant congregation, on a certain day appointed before for that effect, who are to convene and hear sermon the foresaid day, which being ended, and intimation being made by the minister that they are to go about the election of a pastor for that congregation, the session of the congregation shall meet and proceed to the election, the action being moderated by him that preached,

preached; and if the people shall, upon the intimation of the person agreed upon by the session, acquiesce and consent to the said person, then the matter being reported to the presbyterie by commissioners sent from the session, they are to proceed to the trial of the person thus elected, and finding him qualified, to admit him to the ministry in the said congregation.

3. But if it happen that major part of the congregation dissent from the person agreed upon by the session, in that case the matter shall be brought unto the presbyterie, who shall judge of the same; and if they do not find their dissent to be grounded on causeless prejudices, they are to appoint a new election in manner above specified.

4. But if a lesser party of the session or congregation shew their dissent from the election without exceptions relevant and verified to the presbyterie, notwithstanding thereof the presbyterie shall go on to the trials and ordination of the person elected, yet all possible diligence and tenderness must be used to bring all parties to an harmonious agreement.

5. It is to be understood, that no person under the censure of the kirk, because of any scandalous offence is to be admitted to have hand in the election of a minister.

6. Where the congregation is disaffected and malignant, in that case the presbyterie is to provide them with a minister.

Act against Prophaneness. Edinburgh, Jan. 11. Post meridiem. Sess. 8. 1697.

THE General Assembly of this national church, taking to their most serious consideration, that notwithstanding of the weighty commands, and dreadful threatenings contained in the scriptures of truth, and the many laudable christian laws of this nation, and the acts of the general assemblies of this church against all impiety and prophaneness; yet the open outbreakings of wickedness are not restrained, but God is daily dishonoured and provoked, the profession of christianity discredited

discredited, and the pernicious infection of ill example diffeminated and spread abroad, by the abounding scandals of prophane and idle swearing, cursing, sabbath-breaking, prophane withdrawing from, and contempt of gospel ordinances: yea, opposing the dispensing of them by hindering the planting of churches, and discouraging the endeavours of others, for calling and fixing a faithful gospel ministry among them, mocking of piety and religion, and the exercises thereof, fornication, adultery, drunkenness, excessive tipling, deism, blasphemy, and other gross abominable sins: And whereas, not only did the general assembly by their act, April 16. 1694. recommend to all ministers and kirk sessions, carefully to apply to the several magistrates of their bounds, for putting the acts of parliament against prophaneness in execution; but likewise, this current parliament hath by their acts entituled against prophaneness, June 15. 1693. June 28. 1695. and October 9. 1696. declared that ministers, kirk sessions and presbyteries, shall, by themselves or others in their name, have good interest to apply for, and pursue the execution of the said acts; and albeit execution is ordained to pass at the instance of any person whatsoever, yet it being especially incumbent upon ministers and church judicatories to hold hand thereto, therefore that this national assembly may not be wanting to their duty, in contributing their utmost endeavours for bearing down and punishing of all immorality and wickedness, they do in the first place, in the awe and dread of the great God, who will not hold them guiltless that break any of his commandments, beseech, warn, and obtest all the people of this church and nation, to break off their sins by repentance, and seriously in the fear of the Lord, to apply themselves to a sober, conscientious, christian and circumspect walk in all manner of conversation as becomes the professors of the glorious gospel, of the blessed God, and of that religion which is pure and undefiled, and as they would not incur the heavy displeasure and just indignation of the holy one, in being excluded for ever from seeing his face in peace, and pull down his

his temporal judgments upon themselves, and upon the land: And next, they do require all the ministers of this church, freely and faithfully to preach against the forementioned enormous sins, as the crying sins of the time, that people may be brought to a conviction and sense of their hainouness and danger, and may refrain, not only for fear but from conscience. And farther they do appoint, that presbyteries and kirk sessions do faithfully and impartially exercise church-discipline against all such scandalous offenders, and use all suitable means in dealing with their consciences to bring them to unfeigned repentance and reformation, and they seriously recommend to ministers and members of kirk sessions, from a true zeal for God, to hold hand to the delating, informing against, and punishing of all prophane transgressors, without respect of persons, by civil punishments, conform to the acts of parliament made in that behalf, and that they record their diligence in their session books, that the same may be seen by their presbyteries, who are hereby required to make enquiry therein at their visitations; and least any may be found backward in performing their respective duties, from an unwillingness to displease or disoblige persons of note, who may happen to be guilty, the general assembly earnestly exhorts all ministers and elders, and all christians to remember that in this matter they have to do with the great and terrible God, whose honour is to be preferred, and whose wrath is to be feared before all other considerations whatsoever; and the overture, that whatever minister or member of session be found faulty, in neglecting to pursue the foresaid scandals in their stations, the said minister or member of session be complained of, and censured by the presbyterie for the first fault, and that the censure be recorded; and that the second negligence be delated to, and censured by the synod; and that for the third neglect they be censured by the synod with suspension, to be recorded in the synod register, and albeit the general assembly hath full confidence in the integrity and zeal of all honest christian magistrates, and that they will with firmness and
resolution

resolution, make conscience of the obligations of their office, and faithfully discharge the trust committed to them by God, and the supreme authority of this nation, yet because a slackness or backwardness may fall out in some particular places, and there hath been hitherto a most lamentable defectiveness, in putting the laws against prophaneness to execution, and some have refused to give deputations and commissions for that end to persons who have been duly nominated and presented to them; therefore the general assembly doth recommend to each minister or kirk session, who shall find cause to complain of a magistrate for negligence in executing the said laws, or for refusing deputation and commission to such persons as are duly elected and presented to them (from paroches, where there is no ordinary magistrate residing) conform to the abovementioned act of parliament, October 9. 1696. that they acquaint their presbyteries therewith, and that the said presbytery having used all previous means in dealing with the consciences of the said magistrate, without any good effect, do with the kirk agent thereafter pursue the said negligent or refractory magistrate before the Lords of council or session, according to the foresaid acts of parliament. And lastly, that these presents be read in all churches within this kingdom twice a year from the pulpit, to wit, upon the first sabbaths after Whitsunday and Martinmas yearly.

Act against Abuses at Lykwakes, Penny Brydals. and promiscuous Dancing. Eadem Sess. 1701.

THE General Assembly did, and hereby do revive the acts of the general assembly, 1645. against lykwakes, as also the acts of the said assembly for restraining abuses at penny-brydals, and likewise the act of the general assembly 1649, discharging promiscuous dancing, and appoints the said acts to be read in churches before the congregation, and that synods enquire at presbyteries concerning their diligence anent the observation of the said acts, and recommends to presbyteries

to have their thoughts upon what further may be necessary for suppressing and preventing abuses at such occasions, and give their opinion thereanent to the next general assembly.

Act concerning the Method and Form of Procedure of Judicatories of the Church against scandalous Persons.
Edinburgh, April 4. 1705. Sess. 6.

WITH respect to scandals, the grossness whereof makes it necessary to bring the persons guilty oftner than once before the congregation. The general assembly does here appoint and ordain, that after such persons are convicted before the session, it be judicially declared to them, that they have rendered themselves incapable of communion with the people of God in sealing ordinances, and that they be appointed to appear in public to be rebuked for their sin, whether they appear penitent or not, conform to the institution, 1 Tim. 5. 20. And it is hereby referred to the respective judicatories of the church concerned, to determine how oft such delinquents shall appear in public, as they shall find it to tend most for edification. And the general assembly ordains, that after a public rebuke, the ministers and elders be at farther pains in instructing the minds of the scandalous persons, if ignorant, in endeavouring to convince their consciences, and to bring them to a due sense of their sin, and to an engagement and serious resolution against all known sin, and to the performance of all known duty, and that the session upon satisfaction with their knowledge and sense of their sin, do admit them to the public profession of their repentance, in order to absolution; but if after taking pains on them for some competent time for their instruction and conviction, they still remain grossly ignorant, insensible and unreformed, the ministers and elders are to advise with the presbytery of the bounds, and if the presbytery shall see cause; that then the sentence of lesser excommunication be publicly pronounced against them in face of the congregation, from which they are not to be relaxed,

taxed, nor admitted to make public profession of their repentance in order thereto, till the session be satisfied with their knowledge, seriousness and reformation. And lastly, the general assembly ordains that the names of such as are under the foresaid censure of lesser excommunication, be publicly read out, the Lord's day immediately preceding that upon which the sacrament of the Lord's supper is to be administred.

Act against Prophanation of the Lord's Day. Edinburgh,
April 10. 1705. Sess. 12.

THE General Assembly taking to their serious consideration the great prophanation of the Lord's day, by multitudes of people vaging idly upon the streets, in St. Anne's Yard, and the Queen's park, and in divers places of the West-Kirk Paroch, and on the Links of Leith, and other places, especially about Edinburgh, and that by persons of all ranks, many whereof are strangers, as the same hath been represented to them by the commissioners from the presbytery at Edinburgh, in the name and by the appointment of that presbytery, and considering also what hath been represented by several brethren anent the prophanation of the Lord's day in other places of the nation by unnecessary travelling and otherways; and the general assembly being deeply sensible of the great dishonour done to the holy God, and of the open contempt of God and man, manifested by such heaven-daring prophaneness, to the exposing of the nation to the heaviest judgments, therefore they do, in the fear of God, earnestly exhort all their reverend brethren of the ministry, and other officers of the church, to contribute their utmost endeavours in their stations, for suppressing such gross prophanation of the Lord's day, by a vigorous and impartial, yet prudent exercise of the discipline of the church, and by holding hand to the execution of the laudable laws of the nation against the guilty, in such way and manner as is allowed and required by law; and because the concurrence and assistance of the civil government will be absolutely

absolutely necessary for the better curbing and restraining this crying sin; the general assembly do hereby appoint their commission to be nominate by them, to address the Right Honourable the Lords of her Majesty's privy council, that their Lordships may be pleased to give such orders, and take such courses for restraining those abuses, as they in their wisdoms shall judge most effectual.

OVERTURES of the General Assembly 1705.

CONCERNING THE

Discipline and Method of Proceeding in Kirk Sessions and Presbyteries of the Church of Scotland.

§ Of the Constitution of this Judicatory.

1. **T**HIS judicatory being the lowest, and which is in every parish, consists of one minister or two and a competent number of ruling elders, and the deacons of that parish and church are to be present, and have a decisive vote only in matters belonging to their own office, having attending them a clerk and a beadle.

2. All the elders of that church or parish, or members of the session, and ought to attend all the meetings thereof, it not being a judicatory made up of delegates.

3. If there be but one minister there, he is moderator *ex officio*, and constant out of necessity.

4. Tho' an elder being once so ordained, makes him to be so during life, unless he be censured with deposition or demit his office, and the demission accepted by a judicatory, yet where there are plenty of persons fit to be elders, and plenty of elders, the actual exercise of the

the office as to constant attendance on the session, &c. may be limited for a time, and others take their turn: When an elder changes his residence, he may officiate as an elder in that parish where he comes to, if duly called thereto by the kirk session, who are to intimate his name to the people, and have their tacit consent thereto, but no otherways: Annual elections ought to be rectified, and that new elections of elders, express in cases of great necessity, should only be within the compass of four years, and that especially in burghs where there are plenty of persons to chuse upon.

§ Of the Election and Constituting of Elders and Deacons.

1. **I**N case there be no eldership in the parish, the election is to be managed by the presbytry, by a list given in to them, made up by the heads of families, out of which the presbytry (if the church be vacant) is to try and elect, and if planted, the minister with the presbyteries assistance.

2. Even where there is a minister and elders in a congregation constituting a session, there may be need of more elders to supply the places of some who may be removed by death or otherwise.

3. It doth most particularly belong to the session, to look among the masters and heads of families, and others, (they not being menial servants) for some persons fit to be elders, being such as are of greatest prudence, gravity and interest in the parish.

4. These ordinarily may be expected to be best had from amongst the deacons of the parish, the qualifications of that office not only fitting much for this, but the experience deacons have by being present at the session, being a further fitting of them for the office of an elder.

5. It will fall out, that sometimes it will be fit and necessary that the minister and present elders do, in a prudent and private way, try the inclination of the judicious

ditions of the people, especially the heads of families, and of these quarters of the congregation to which the elders wanting belonged, thereby to prevent the elders naming and bringing to public these persons, who may be unacceptable where others can be had, and the edification of the congregation would therein be studied.

6. When the kirk sessions have agreed on the nomination wherein they would endeavour to be unanimous, the persons nominated are to be spoken to, and dealt with to accept of the office before their names be brought in public, wherein great tenderness and earnestness would be used, it being frequent with many modest and most fit persons, to be most hardly and difficultly prevailed with.

7. Tho' it may be supposed that none will be named to this purpose but such who will be of competent knowledge, yet examination and trial would be taken of his knowledge, in the grounds and principles of religion, in cases of conscience, and about the government, discipline of the church, and duties of elders, and that before the session, or two or three elders.

8. When there is hopes of success therein, if the session judge it fit, the minister on the Lord's day after forenoon sermon, is to intimate to the congregation, the necessity of more elders, and the sessions nomination, and may desire any person that hath any objections against any of the persons named, to make the same either to the session or any member thereof, betwixt and such a day.

9. When the day cometh wherein the objections are to be brought in, the session must meet, and have the elect elders edict returned, (for which there is to be an interval of nine free days, as in other edicts) and the beadle is to intimate at the door; if there be any objectors they may appear, if none, then the day is appointed to admit these elders, and the minister is to be condescended upon, who is to admit them.

10. When the day is come, it were very fit the minister chused to preach on such a subject as might relate to the work, shewing the duties of elders, and people to them.

11. After sermon is ended in the forenoon, the mi-

nister is to shew the people that he is going about to admit some more elders, and to tell them of all the orderly steps which they have taken preparatory, and that now nothing impedeth his going on.

12. Then the minister calling up the persons chosen to be elders, by name, and they standing together in some conspicuous place, as conveniency will allow, are to be interrogate concerning their orthodoxy, and to be taken solemnly engaged, to adhere to and maintain the doctrine, discipline, worship and government of the church, and to lay themselves out, both by their example and in the office of elders, to suppress vice, cherish piety, and exercise discipline faithfully and diligently.

13. Then (the elders chosen, still standing up) the minister is next by solemn prayer to set them apart *in Verbis de presenti*.

14. After prayer the minister is to speak to them now as elders, encouraging them to faithfulness, and threatening, if negligent. 2dly. He is to direct a word of exhortation to the people, shewing them their duty to the elders, and exhorting them to obedience in the Lord, and to strengthen their elders hands.

15. The same method would be followed in the election and ordination of deacons, that is in elders, *mutatis mutandis*.

§ Anent Marriage..

DUE caution would be used to observe the acts of the general assembly anent proclamation of Banus, † and enquiry anent forbidden degrees, the persons desiring marriage, being single and free persons, and anent the consent of all concerned.

§ Of the Admission of Infants to Baptism.

1. **C**Hildren born within the verge of the visible church, of parents one or both, professing the christian religion, have a right to baptism.

2. It being the duty of christian parents to devote their

their children to God by baptism, and to covenant for their education in the faith of Christ; no other sponsor is to be taken, unless the parents be dead or absent, or grossly ignorant, or under scandal not removed, such being unfit to stand as sponsors, in transacting a solemn covenant with God, in which cases the parent is to be required to provide some fit person, and if it can be one related as a parent to the child should be sponsor.

3. In case of children exposed, whose baptism, after inquiry, cannot be known, the session is to order the presenting of the child to baptism, and the session itself is to see to the christian education of the child.

4. It were fit that the parent speak to the minister of the parish the day before the child be offered to baptism.

§ Of Admission to the Lord's Table, and debarring from it.

1. **S**eeing none should be admitted to the Lord's table, who are ignorant or scandalous, therefore they are to be prepared for it by catechising, and instruction in the principles of religion in their younger years. Before the first admission of any to partake thereof, ministers should enquire into, and take trial of their knowledge of the principles of the christian religion, and particularly of the nature, uses and ends of this ordinance of the supper.

2. Due care also ought to be used, that none be admitted to partake of the Lord's supper who are of a scandalous life, and for this end the minister is to enquire at, and consult with the elders, especially these of the bounds, whether they know that person be guilty of any scandal, and that they own and submit to, and ordinarily attend the ordinances of Christ, public and private worship of God, and use the other means of knowledge.

3. At the first admission of any to the Lord's supper, ministers should put the person to be admitted in mind of their parents engagements for them in baptism, and put them explicitly and personally to renew their baptismal covenant, to be the Lord's, and to live unto him, and to serve him all the days of their lives.

4. When any who liveth in one congregation desireth to partake of the Lord's supper, in a neighbour congregation, they may and ought to be allowed the same, by reason of the communion of saints, if they bring sufficient testimonials of their knowlege and conversation from the minister of their own parish, or from two elders in the absence of the minister.

5. It were fit when any one removeth from one parish to another, that their testimonials bear account, whether they have partaked of the Lord's supper, and it were fit for this, that there were a record kept of these, who are admitted to the Lord's supper.

6. With respect to scandals, whose grossness makes it necessary to bring the persons guilty oftner than once before the congregation. It is overtured that after they are convicted before the session, that it be judicially declared to them, that they have rendered themselves incapable of communion with the people of God in the supper of the Lord, and that they are not to be allowed to be sponsors themselves in the baptism of their children, till the scandal be removed; and that they be appointed to appear in public to be rebuked for their sin, whether they appear penitent or not, conform to the institution, 1 Tim. 5. and 20.

7. After a public rebuke, the minister and elders be at further pains in instructing the minds of scandalous persons if ignorant, in endeavouring to convince their conscience, and to bring them to a due sense of their sin, and to an engagement and serious resolution against all known sin, and to the performance of all known duty.

8. That the session upon satisfaction with their knowlege and sense of their sin, do admit them to the public profession of their repentance in order to absolution.

9. If after taking pains on them for some competent time, for their instruction and conviction, they still remain grossly ignorant, insensible and unreformed; the sentence of lesser excommunication is to be publicly pronounced against them, from which they are not to be relaxed, nor admitted to make public profession of their repentance in order thereto; till the session be satisfied with their knowlege, seriousness and reformation.

§ *Of the privy Censures in the Sessions.*

1. **I**N every kirk session, there ought to be twice in the year privy censures (as they are called) of the members of the session.

2. At the meeting preceding the same, all the members should be warned to be punctually present that day.

3. Seeing the ministers undergo their privy censures in the presbytery, and that generally there is but one minister in the session, who must be moderator, therefore the ministers are not to undergo this privy censure before the session, but only the elders, deacons, clerk and beadies.

4. The moderator of the session is to cause the clerk read the roll of the members, and beginning at the beginning of the roll, they are one by one after another to be removed, and then the rest of the members are by the moderator to be enquired, concerning the walk and conversation of the person removed, concerning his diligence and prudence in his station, and whatever any have observed, and informed worthy the noticing, is freely, and with love and tenderness to be communicated, privy censures of the members of a session, as also of a presbytery, if rightly managed, may be of great use, but we think our Lords rule in Matt. 18, is strictly to be observed in this matter, so that no member or members of a session or presbytery, should inform these judicatories of any thing against another member, until they have first given him private admonition or reproof, of a competent time before, and that has proven ineffectual.

5. The session is to judge of all informations concerning the member removed, and as they judge him deserving, either only the private admonition, or reproof of the minister his alone, or any of the elders their alone, or of the moderator in name of the session *Coram.* as the weight of the matter, the edification of the party, and comfort of the session, or congregation requireth, is to be done with all love, tenderness and freedom.

6. If nothing be observed needful to be amended but an account from all hands, of the faithfulness prudence and diligence of the member removed, then he is to be exhorted to go on, and encouraged; and God to be blessed on his account. And the moderator when he is called in, to express the session satisfaction and comfort therein.

7. After all the elders have thus been removed one after another, and each one after he hath been called in, and got the mind of the session concerning him, and set in his place, the deacons one after another are to undergo their censures.

8. Next after the deacons, the clerk of the session is to be removed, and the members enquired concerning his carriage, and the session books, and other registers of births, baptisms and burials, would be seen to be exactly kept and put in readiness for the presbytery, when called for by them.

9. The beadle or officer would likewise in the same manner be enquired after, and either admonished or encouraged as need requireth.

10. Here also the kirk treasurer's accompts may be taken in, and the whole session put in mind (if need be) of all the duties of their charge, and of the rules of order, when met in judicatories.

T H E

Method of proceeding in PRESBYTERIES.

1. **T**HIS judicatory consists of all the pastors within the bounds, and one ruling elder from each parish therein who receives a commission from the eldership to be a member of the presbytery, and represent them there till the next synod be over; thus twice a year there are new elections of the ruling elders. The number of parishes associated in presbyteries for their mutual help, is determined by authority of the national synod, Dec. 17, 18. Art. 8. as the adjacency of the congregations, and the easiness of travelling doth best allow. Where there are collegiate ministers, that session may send as many ruling elders, The directory for government

government saith, that to perform any classical act of government or ordination, there shall be present, at least, a major part of the ministers of the whole classis. Presbyteries should meet every third week, and oftner if business require it,

2. Every meeting of a presbytery is to begin with a sermon by one of the brethren appointed formerly for that effect, upon a text assigned him by them, except when probationers or intrants supply the pulpit in their public trials. The half of the time allowed for this presbyterial exercise is to be taken up in the explicatory and analytic part of the text, and in answering textual and critical questions and difficulties; this part of the work is called *making*, and requires more especially the gift of the doctor; the other half of the time allowed is to be taken up in raising of doctrines and observations from the text, and applying them in their several uses, which last part is called *adding*, and it requires more especially the gift and necessarily the authority of the pastor. After the exercise is over, and the presbytery constitute, the censure of the exercise they have heard useth always to be their first work which may be done before them who had the exercise; besides this, the brethren of the presbytery by the act of assembly, Dec. 17, 18. 1638. are to have some common head of doctrine publicly disputed in the presbytery among the brethren, every first presbytery of the month, according to the act of assembly holden at Dundee, 1598. Sess. 12.

3. By the foresaid act 1638, presbyterial meetings are to be weekly, except in places far distant, who between the first of October and first of April, are dispensed with for meeting once in the fourteen days. Likewise that act appoints all absents to be censured, especially those that shoud exercise and add, according to the act of assembly 1582, April 24.

4 The presbytery treats of such matters as concern the particular churches within their bounds, as the examination, admission, ordination, and censuring of ministers; the licensing of probationers, rebuking of gross or contumacious sinners; the directing of the censure of excommunication; the cognoscing upon references and

appeals from kirk sessions; the revising and rectifying what hath been ill done or negligently omitted by them, at their approving of the kirk session books and records; the answering of questions, cases of conscience, and solving of difficulties in doctrine or discipline, with petitions from their own or those in other presbyteries; the examining and censuring according to the word of God, any erroneous doctrine, which hath been publicly or more privately vented within their bounds, and the endeavouring the reducing and conversion of any that remain in error and schism; the appointing of visitation of churches by themselves as occasion offers, or the perambulation of parishes in order to their uniting or disjoining; all which are either concluded or continued to further consideration, or referr'd to the synod.

5. By the 6th Chap. 11 Act of Assem. 1707. there are some processes which natively begin at the kirk session which for the atrocity of the scandal, or difficulty in the affair, or general concern; the session having frequent meetings of the presbytery to have recourse unto, do not determine of themselves, such as scandals of incest, adultery, trislapse in fornication, murder, atheism, idolatry, witchcraft, charming, heresy and error vented and made public by any in the congregation, schism and separation from the public ordinances, processes in order to the highest censure and continued contumacy. But processes for all such crimes and scandals, are to be referred to the presbytery by an extract of their procedure thereanent; and when there is no confession of the scandals above-mentioned, the session is not so much as to proceed to lead probation by witnesses or presumptions, till they be authorized thereto by the presbyteries answer to their reference foresaid.

6. When the process is so clear, as in the case of a judicial confession, then the kirk session may summon the delinquent when before them *apud alia*, to compare before the presbytery; but where there is any difficulty, they should first inform the presbytery, and get their allowance before the party be summoned before them.

7. When persons censured for these grosser scandals do apply to the kirk session for relaxation, they may both

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both be privately conferred with, and likewise their acknowledgments heard before the session, but they ought not to be brought before the congregation, in order to their absolution, nor absolved but by direction and order of the presbytery.

8. Presbyteries in some cases may send commissioners to other presbyteries, either to advise them or to seek advice from them. By act of assembly, June 18, 1646. it is recommended, that a correspondence be kept among presbyteries constantly by letters, whereby they may be mutually assisting to each other.

9. In every presbytery, at least twice a year, on days for prayer, as should be done in sessions likewise, before each synod there ought to be privy censures, whereby each minister is removed by course, and then enquiry is made at the pastors and elders, if there be any known scandal, fault or negligence in him, that it may be in a brotherly manner censured; after the ministers, the presbytery clerk is to pass these censures likewise. By the 6th Article of the 7th Chapter of the French church discipline, at the end of the colloquies, amicable and brotherly censures shall be made, as well by the pastors as by the elders, which shall be there present, of all things which shall be thought fit to represent unto them.

Of parochial Visitations by the Presbytery.

1. **P**arishes are visited by presbyteries, either occasionally, *pro re nata*, according to the weight of the emergent which doth require the visitation, or ordinarily and in course, whereby every congregational church is visited once a year, Assem 1638. Sess. 23. 24. Art. 3. at least this ordinary visitation should be going round all the parishes in order till they be visited, before others be revisited in ordinary: for by the 16th Act of Assem. 1706. presbyterial visitations of parishes are to be frequent.

2. The presbytery is to cause intimation to be made of their appointed day for the visitation of that parish, by a brother of another congregation, from the pulpit, immediately after the forenoon's sermon, on the Sabbath

bath, ten days preceeding the day for the visitation, requiring the minister of the parish to preach at that time and place on his ordinary text, and summoning the heretors, elders, and whole congregation, to be present that day to hear sermon; and thereafter, that the minister, heretors, elders, and heads of families, do attend the presbytery, to acquaint them with the state of that kirk and congregation in every point, and if any of them have certain knowlege of any thing amiss in the minister, elders, deacons, precenter, session-clerk school-master, or beadal, that they do then acquaint the presbytery therewith.

3. The session registers, together with a catalogue of the ministers books, are to be produced to the presbytery, before the visitation, and given to two of the fittest brethren, and best acquainted with that minister and people to be seen and revised, and they to report at the visitation.

4. Sermon being ended, and the presbytery constituted, the minister's doctrine he had in his sermon, is first to be considered, as in the presbyterial exercise. Then the Church Bible, Confession of Faith, Acts of the General Assemblies, Acts and Proclamations against profaneness, and other acts and papers relative to the church, are all to be called for and produced before the presbytery. The visitors of the sessions registers, and ministers library are to make their report. The presbytery at the entry on the visitation having removed the minister, are to cause read over their actings at the last visitation, and see if what was then recommended or ordered hath been made effectual, and take the excuses of absent elders and deacons therefrom, and if need be, to call in any party for information; if nothing arise from that, to divert the presbytery from the orderly method, all parties being removed, the presbytery is to call in the session *vicissim*, and to enquire them concerning their minister; yea further, by the act of assembly June 13, 1646. at visitation of kirks, the elders, one by one, the rest being removed, are to be called in and examined upon oath concerning the minister's behaviour.

5. By the act of assembly 1596. ratified December 17.

18. 1638. at visitation of kirks, the families of ministers are to give an account, and to be tried concerning the good order and behaviour that they observe within their families, and such as are found neglecters of family worship, or instructing of all in their families, or such as remove not those who are offensive therefrom, shall after due admonition be judged unfit to rule the house of God: For he ought to be one that ruleth well his own house, 1 Tim. 3. 4.

6. The questions to be enquired by a presbytery at the eldership concerning a minister may be these and such like. 1. Hath your minister a gospel walk and conversation before the people? And doth he keep family worship? And is he one who rules well his own house? Is he a haunter of ale-houses and taverns? Is he a dancer, carder or dicer? Is he proud or vain glorious? Is he greedy, or worldly, or an usurer? Is he contentious, a brawler, fighter, or striker? Is he a swearer of small or minced oaths? Useth he to say, *Before God it is so*, or in his common conference, *I protest*, or, *I protest before God*? Or, says he, *Lord what is that*, all which are more than *Yea* and *Nay*? Is he a filthy speaker or jester? Bears he familiar company with disaffected, prophane or scandalous persons? Is he dissolute, prodigal, light or loose in his carriage, apparel, or words? How spends he the sabbath after sermon? Saw ye him ever drink healths? Is he at variance with any? Is there any that reproaches him? Or is he well beloved of all? And upon what ground is it that the variance or good liking of the people is? 2. Keeps he much at home at his ministerial work? Or doth he occasion to himself distractions, and unnecessary diversion therefrom? Is he constant at his calling and studies, or takes he but pains at fits and starts, such as at fasts, communions, visitations, &c? Is Saturday only his book day, or is he constant at his calling? 3. Doth he discountenance or discourage any that is seeking Christ? Doth he preach sound doctrine, so far as ye can understand? Doth he preach plainly, or is he hard to be understood for his scholastic term, matter or manner of preaching? Doth he faithfully reprove sin, especially such as most prevail
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in the parish? What time of day doth he ordinarily begin sermon on the sabbath? And when doth he dismiss the people? Spends he too much time in his sermon in repetition of what he had before? Doth he lecture and preach in the forenoon, and preach again in the afternoon on the Lord's day, and that both summer and winter? Doth he read a large portion of scripture in public, and expound the same? Doth he preach catechetic doctrine ordinarily in the afternoon? Hath he a week day's sermon, and collections on these days? When the Lord, in his providence, is speaking extraordinary things, doth he tie himself to his ordinary text, or makes he choice of one more opposite and suitable to the dispensation? Seeks he to preach Christ, his beauty and excellency, and to open up the power and life of godliness? Endeavours he to discuss cases of conscience, to let you know your spiritual state what it is? 4. Doth he according to the act of assembly 1708 visit the people and families, at least once a year in a ministerial way, teaching and admonishing from house to house? And doth he visit the sick when needful, and pray over them? Doth he visit them who, through age or sickness, cannot come to the public worship? Doth he labour to speak to the sick suitably to their various inward conditions? Doth he not especially visit such as be exercised in conscience? Doth he visit such as are afflicted by death of children or other relations? Visits he the widows, orphans and poor? If he be minister of a burgh, visits he the prisoners? Is he not careful when he visits families to confer with them in private, and pray with them, thereby learning the case of their souls, that so the doctrine in public may the better meet with their condition? 5. Doth he administer the sacrament of baptism in an orderly way, when the congregation is convened, or doth he it at any time privately? Doth he add any word to, or alter the words of institution? 6. Doth he frequently catechise his parishioners, and administer the sacrament of the Lord's supper to them? And is he careful in keeping from that holy ordinance, all who are known to be scandalous, grossly ignorant or erroneous? How often have ye the communion every year? Doth

he not begin to catechize young ones about nine or ten years of age, and how censures he contemners of catechizing? What course is taken with contemners of the Lord's supper upon frivolous pretences? At the Lord's supper, doth he not cause cut the bread in large and fair shaves fit for mutual fraction and distribution, that as they give the cup to the nearest assident, so having broken off a part of the bread with their hand for themselves they give the rest to the person sitting nearest them? Do your people all sit at the Lord's table? In the time of distribution, eating and drinking, is there any reading or singing of psalms, or is there silence, and so time for meditation, except it be a short, pertinent and awakening word dropped by the pastor? 7. Hath he a competent number of elders? And hath he deacons in the parish distinct from elders? Doth he keep sessional meetings frequently? And is he impartial in the exercise of discipline against all offenders? Is there frequent meetings of the members of session, for fasting and prayer according to the act of assembly 1699? Doth he travel with public penitents in private to make them sensible of their sin, according to its circumstances, and sensible of mercy, that the love of Christ may overcome the love of sin? And then doth he absolve them, when brought up to some ingenuous confession and resolution for the future? Doth he ever censure persons for living idle, breaking of promise, or for backbiting? Doth he censure keepers of superstitious days? How doth he restrain abuses at penny-bridals? Doth your session meet weekly? Doth your minister coolzie any whom another brother hath in process? Or doth he carry any away partially, so that he may become popular? Doth he in session assume to himself a negative voice? When he is necessitated to leave his flock, doth he not acquaint the session with it? 8. Is he careful to take away variances that fall out among families, and compose differences among particular persons in the congregation.

7. After that the elders have answered to these or the like questions, then the heads of families are to be interrogate in general concerning the lives and manners of the members of the session: And the pastor is to answer

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more particularly to these or the like questions. (1.) Is your session rightly constitute, and all the elders and deacons duly admitted according to the acts of assembly? (2.) Do they all attend gospel ordinances and the diets of the session? (3.) Are they grave, pious and exemplary in their lives and conversations? Do they worship God in their families? Is any of your elders an ignorant man, a drinker of healths, a tipler, a drinker excessively to drunkenness, a swearer, an observer of yule days, &c? Is he one that observes not the sabbath? Is he careful to keep his oath of admission taken before God in face of the congregation, not to delate or censure, but as edification requires? Do any of them work on solemn fast or thanksgiving days? Is any of them a mocker of piety? (4.) Are they diligent, careful, and impartial in the exercise of their offices? Do the elders visit the families within the quarter and bounds assigned to each of them? Are they careful to have the worship of God set up in the families of their bounds? Are they careful in calling for testimonials from persons who come to reside in the parish? Do the elders take all discipline upon themselves without the minister? Or do they labour to carry things factiously, or by plurality of voices contrary to God's word, and the laudable acts of the presbytery, provincial, or general assemblies? (5.) Have the elders subscribed the Confession of Faith? And are they well affected to the government, worship and discipline of this church? (6.) Have the elders and deacons their distinct bounds assigned them for their particular inspection? (7.) Does your session always appoint ruling elders to attend presbyteries and synods? (8.) Are the deacons faithful in their office, in collecting and distributing all the kirk goods, and in having a care of the sick poor? After all these queries are over, the minister and elders are to be severally encouraged or admonished as the presbytery sees need.

8. Then the precentor, school-master, and clerk of the session, who in country congregations are ordinarily one and the same, and after them the beadles, bellman, and church servants being removed, the presbytery is to enquire at the minister, session and heads of families concerning

cerning their conversation, fidelity and diligence in their offices, and the presbytery is thereupon to proceed as the matter requires.

9. After all these enquiries, the presbytery removing the heads of families, the minister and elders are to be inquired concerning the congregation. (1.) Doth the body of the people attend ordinances duly and timeously and stay till the blessing be pronounced? Are they diligent in improving the means of knowledge, and are they growing therein? (2.) Are they submissive to public and private exhortations, and to the discipline and censure of the church, by admonitions and reproofs as need requires? And do they by their words and actions manifest a suitable respect to their minister and respective elders? (3.) Are they careful to educate their children and servants in the knowledge of God? What success hath the gospel and labours of ministers and elders among them? What scandals, schisms, heresies or divisions are among them, and if on the growing hand? How do they observe the Lord's day?

10. Then the minister, heretors, session, and heads of families being present, the presbytery is to inquire after the state of the church, as to its fabric, the seats therein and division of the same, the church yard, dykes, the utensils of the church, communion cups, cloaths, the minister's manse if it be in repair, the glebe and stipend, the salary of the school-master, precentor, session clerk and beadles, and how the communion elements are provided, whether they be payed for out of the poor's money, and that when the communion is but celebrated once a year? Enquiry is to be made how much the stipend is, of what nature, how payed, and if there be a decree of locality for it? As also, about the state of the poor, whether there be any mortifications and legacies for them, or other pious uses? And how these are secured, and their interests payed and applied, and how they have been managed and employed from time to time. Sess. 18. Assem. 1700. After the visitation is over, all parties are to be called in, and the moderator is to conclude all with prayer.

§ Of Ministerial Visitation of Families.

1. **I**T hath been the laudable practice of this church, at least once a year, (if the largeness of the parish, or bodily inability, or other such like do not hinder) for ministers to visit all the families in their parish, and oftner if the bounds be small, and they able to perform it. Among other reasons for these annual visitations of families, this may be one, that because by the order prescribed by our Lord, Matth. 18. there may be several offences known to ministers, elders or neighbours, which may justly keep back offenders from partaking of the Lord's supper, and yet it were disorderly and unedifying to remove these offences in a public way; these visitations may serve to purge a congregation of such private scandals.

2. Although in regard of the different circumstances of some parishes, families and persons, much of the management of the work must be left to the prudence and discretion of ministers, in their respective oversights, yet these following directions are offered by assembly 1708, April 27, as helps for the more uniform and successful management thereof, that it be not done in a slight and overly manner, which supposeth the universal practice thereof through this church, and that the total neglecters may be censured therefore as supinely negligent.

3. Such a time of year is to be chosen for ministerial visitation, as the families which he visits may be best at leisure to meet with him, and if that time should happen immediately after the communion, then it is seasonable, as it were, to beat the iron while it is hot. Timeous intimation is to be made to them of the visitation; and the elder of that bounds of the parish which is to be visited, is to accompany the minister, and they should previously censure together concerning the condition and state of the persons and families of those bounds.

4. When they enter a house, they are to express their wishes and desires for the blessing of God upon it, and that above all, their souls may prosper; then let them take an account of the names of the family, inquire for testimonials from them who are lately come to the parish, and mark them in the roll for catechising, and let them take notice who can read, and of the age of children

dren capable to be catechiz'd; then the minister is to speak to them all in general, of the necessity and advantage of godliness, of justice and charity towards man.

5. He is next more particularly to speak to servants of their duty, to serve and fear God, to be dutiful, faithful and obedient servants, and of the promises made to such, commending to them the reading of the scriptures, secret worship, and love and concord among themselves, and in particular, a holy care in sanctifying the Lord's day.

6. The minister is to show the children and young servants the advantage of knowing, seeking, and loving God, and remembring their creator and redeemer in the days of their youth, and to mind them how they are dedicated to God in baptism; and when of age, and after due instruction in the nature of the covenant of grace, to excite them to engage themselves personally to the Lord, and to design and prepare for the first opportunity they can have of partaking of the Lord's supper, to be especially careful how they at first communicate.

7. Then he is to speak privately to the heads of the family about their personal duties towards God, and the care of their own souls, and their obligation to promote religion and the worship of God in their family, and to restrain and get vice punished, and piety encouraged, and to be careful that they and all in their house serve the Lord, and sanctify his day. He is more particularly to inquire (1.) Whether God be worshipped in the family, by prayers, praises, and reading of the scripture? (2.) Concerning the behaviour of servants towards God and towards man, if they attend family and public worship? How they sanctify the Lord's day? and if they be given to secret prayer and reading the scriptures? (3.) If there be catechizing in the family? If their children be train'd up in reading, according to the act of assembly, Aug. 10. 1648. in all which the minister may intermix suitable directions, encouragements and admonitions as may be most edifying.

8. The minister is to inquire who want bibles, and if they be not able to buy them, let the poor's box be at the expences; and recommend to the heads of the family to get the Confession of Faith, Catechisms, and o-

ther good books, for instructing in life and faith, according to their ability. (2.) Those who are tainted with error or vice are to be admonished secretly, or in the family as may most edify; and all are to be exhorted to carry toward such as walk orderly according to the rule, Matth. 18. 15. (3.) The minister is to endeavour to remove divisions in the family, or with their neighbours, and exhort them to follow peace with all men as far as is possible. (4.) Let it be inquired who have communicated, that they may be called to an account privately how they have profited, and put in mind to pay their vows to the Lord. Confer also with others about the causes of their not communicating.

9. As for those who pretend conscience for not keeping communion with us, or whatever their motives be, ministers ought to deal with God for them, and with themselves in such a way as may be most proper to gain them, and exoner their consciences, waiting if peradventure God will prevail with him. Who can tell if their making them sensible of their tender love and affection to their persons, especially to their souls, giving them all due respect, and doing them all the good they can, yet still discountenancing their sin, may in the end be blessed of God for their good, Jud. v. 22, 23. 2 Tim. 2. 24, 25.

10. Seeing in the whole of this work, there is great need of much prudence, zeal for God, and love to souls. Visitation of families should be carried on with dependence on God, and fervent prayer to him both before a minister set forth to such a work, and with the visited, as there can be access to, and opportunity for it.

Of Sanctification of the Lord's Day; and observing Fast and Thanksgiving Days.

I. **T**HE Sabbath is to be sanctified by an holy resting all that day, even from such worldly employments and recreations as are lawful on other days, and spending the whole time in the public and private exercises of God's worship, except so much as is to be taken up in the works of necessity and mercy, as our shorter Catechism beareth, authorized by assembly, Aug. 28. 1648. From which we may gather what the church understands by sanctifying or prophaning of the Lord's

2. By the act of assembly 1647, concerning Family Worship, Dir. 8. the master of the family ought to take care, that all within his charge repair to the public worship, which being finished, he is to see the rest of that day spent in the private and secret exercises of piety. Care is also to be taken that the diet on that day be so ordered, that neither servants be unnecessarily detained from the public worship of God, nor any other persons hindered from sanctifying that day. Private preparation is likewise to be made for the sabbath by prayer and such holy exercises, as may dispose to a more comfortable communion with God in his public ordinances. See the Directory.

3. When some great and notable judgments are either inflicted or imminent, or by some extraordinary provocation notoriously deserved; as also when some special blessing is to be sought or obtained, when great duties are called for, or when sins are extraordinary for their number or nature, then it is that a church may injoin fasting, which is observed by a total abstinence, not only from all food, (unless bodily weakness do manifestly disable from holding out till the fast be ended, in which case somewhat may be taken, yet very sparingly, to support nature when ready to faint) but also from all worldly labour, discourses and thoughts, and from all bodily delights, tho' at other times lawful, rich apparel, ornaments and such like, during the fast; and much more from whatever is in its nature or use scandalous or offensive, as gaudish attire, lascivious habits and gestures, and other vanities of either sex; which the composers of the Directory recommend to all ministers in their places diligently and zealously to reprove, as at other times, so especially at a fast.

4. The sabbath before the fast, the causes thereof are publicly read from the pulpit, and the day of the week intimated upon which it is to be kept. The people are then to be earnestly exhorted to prepare themselves for afflicting their souls upon that day of extraordinary humiliation. So large a portion of that day, as conveniently may be, is to be spent in public reading and preaching of the word, with singing of Psalms fit to quicken affections suitable to such a duty, but especially in prayer

to this or the like effect; giving glory to the great majesty of God the creator, preserver and supreme ruler of all the world, acknowledging his manifold great and tender mercies, especially to the church and nation, humbly confessing sins of all sorts, with their several aggravations; justifying God's righteous judgments, as being far less than our sins do deserve, yet humbly and earnestly imploring his mercy and grace for ourselves, the church and nation, the King and all in authority, and for all others for whom we are bound to pray (according as the present exigent requireth) with more special importunity and enlargement than at other times: applying by faith the promises and goodness of God for pardon, help, and deliverance from the evils felt, feared, or deserved; and for obtaining the blessings which we need and expect, together with a giving up of ourselves wholly, and for ever unto the Lord.

5. Beside solemn and general fasts appointed by the assemblies or their commissions, or by civil authority, upon application from some church judicatory unto them; provincial synods, presbyteries and church sessions may appoint fast days to be kept within their respective bounds, as divine providence shall administer unto them special occasions. Likewise families and particular persons may do the same, providing their fasts be not on those days on which the congregation is to meet for public worship.

6. Our fasting days must be indicted for such causes as are both clear and just, and when it will be most for edification; for that, as other positive duties, doth not always bind, therefore the church is to take heed of appointing fasts through insinuations or solicitations from statesmen, lest they be branded as tools to some who would fast for strife and debate, that others who differ from them about state matters may be exposed to the *odium* of the people, as ill countrymen;

7. The causes of the fast enumerate in the Act of Assembly 1690. November 12. were these and the like. 1. Perjury, dealing treacherously with the Lord, and being unstedfast in his covenant. 2. Unfruitfulness under the purity of doctrine, worship and government, having

having a form of godliness, but denying the power thereof. 3. Abuse of God's great goodness and deliverance, evidenced by a course of manifest wickedness, and shameful debauchery, such as drunkenness, cursing, swearing, adultery, and uncleanness of all sorts. 4. The Supremacy, which was advanced in such a way, and to such a height, as never any Christian church acknowledged, and whereby the interest of our Lord Jesus Christ was intirely sacrificed to the lawless lusts and wills of men. 5. Abjured Prelacy was introduced, and the government of the church was overturned, without the church's consent, and contrary to the standing acts of our national assemblies. 6. Compliance with that defection both in ministers and others, some from a principle of pride and covetousness, or man-pleasing; and others through infirmity and weakness, or fear of man, and want of courage and zeal for God. 7. Persecution of the godly for non-compliance with that sinful course: many faithful ministers were cast out, and many insufficient and scandalous men thrust in on their charges, and many families ruined because they would not own them as their pastors. 8. Decay of piety under the late prelacy, so that it was enough to make a man be nick-nam'd a fanatic, if he did not run to the same excess of riot with others. 9. Atheism, which discovered itself in some by their dreadful boldness against God, in disputing his being and providence, the divine authority of the scriptures, the life to come, and immortality of the soul; yea, and scoffed at those things. 10. Imposing and taking unlawful oaths and bonds: lawful oaths have been broken, and ungodly and conscience-polluting oaths have been imposed and taken, whereby the consciences of many, through the land, are become so debauch'd, that they scruple at no oath, tho' many have been oppress'd and ruin'd for refusing them. 11. Neglect of the worship of God, both in public, in private families, and in secret. 12. Profanation of the Lord's day, succeeded in place of that wonted care of strict and religious sanctifying of it. 13. The shedding of innocent blood. 14. Pride and Vanity, yea, Sodom's sins have abounded among us, idleness, fulness of bread, vanity

vanity of apparel, and shameful sensuality fill'd the land. 15. As also, Great perverting of justice, by making and executing unrighteous statutes. 16. Silence of ministers in the time of such a great defection, as well as too general a fainting among professors; and as some shewed no zeal in giving seasonable and necessary testimony against the defections and evils of the time, nor kept a due distance from them; so, on the other hand, some managed their zeal with too little discretion and meekness. 17. The abominable idolatry of the mass was set up in many places, and popish schools erected, whereby shameful advances were made towards popery. 18. Great ignorance of the way of salvation through the Lord Jesus Christ. Though we profess to acknowledge there can be no pardon of sins, no peace and reconciliation with God but by his blood, yet few know him, or see the necessity and excellency of him, and few esteem, desire, or receive him as he is offered in the gospel; and as few are acquainted with faith in him, and living by faith on him, so few walk as becometh the gospel, and imitate our Lord in humility, meekness, self denial, heavenly mindedness, zeal for God and charity towards men. 19. Great contempt of the gospel, barrenness under it, and a deep security under our sin and danger. 20. Tho' the Lord, by casting us into the furnace of affliction, hath been giving us a sight of the vanity of all things beside himself; yet, to this day there is a woful selfishness among us, every one seeking his own things, few or none the things of Jesus Christ, the public good, or one anothers welfare. 21. A bitter spirit of censoriousness, whereby the most part are more ready to carp at the sins and defections of others, than to repent and mourn for their own. These and the like were the causes of the fast in the year 1690, and to them the fasts appointed since, do ordinarily refer. See also how the land expressed the sense it had of the guilt of all ranks in the solemn acknowledgment of public sins, and breaches of the covenant, and a solemn engagement to all the duties contained therein; namely, those which did in a more especial way relate unto the dangers of that time. &c of the commission of assembly October 6, 1648. For renewing

renewing of the solemn league and covenant ratified by assembly thereafter.

8. Albeit by the treatise of fasting emitted by the assembly 25 December 1565. the Sundays were appointed for some fasts, as being for the greater ease of the people: And since, by the last act of assembly 1646. a fast is appointed on the sabbath next except one, preceding the then following general assembly; yet seeing the work to be performed on the first day of the week is by divine institution already determined, we ought to set about it exactly, which we all acknowledge to be a thanksgiving and not a fast. Extraordinary duties are not to interfere with the ordinary, nor is one duty to shuffe out another. If either should be allowed, it would look somewhat like the reverse of redeeming the time, for thereby diligence is rather diminished than doubled in the service of God.

9. Days of thanksgiving being intimate on the preceding sabbath, for some deliverance obtained, or mercy received, are wholly to be spent in the public and private exercises of divine worship and praises: the people are to rejoice with trembling, and to beware of all excess in eating or drinking. And demonstrations of civil mirth, such as ringing of bells, firing of guns, bonfires, and illuminating of windows, should not be intermixed with the religious duties of that day: But as upon fasts, so upon those days, there should be liberal collections for the poor, that their bowels may bless us, and rejoice the more with us. In the 6th Article the church was cautioned against appointing fasts for strife and debate, so I hope they shall be directed to avoid injoining of thanksgiving days from any false or unjust ends.

Act anent the Administration of the Sacraments. Edinburgh 31 Oct. 1690. Ante Meridiem, Sess. 15.

THE General Assembly considering, that the two sacraments that Christ hath appointed under the New Testament, viz. Baptism and the Lord's Supper, are his solemn ordinances, and seals of the covenant of grace,

grace, which is held forth in the preaching of the gospel; and that in the use of them, the parties receiving them are solemnly devoted and engaged to God before angels and men, and are solemnly received as members of the church, and do entertain communion with her; and that by the authority of this church, in her former assemblies, the private use of them hath been condemned, as also, that by allowing the private use of the same in pretended cases of necessity; the superstitious opinion is nourished, that they are necessary to salvation, not only as commanded duties. but as means, without which salvation cannot be attained. Therefore the assembly here discharges the administration of the Lord's supper to sick persons in their houses, and all other use of the same, except in the public assemblies of the church. And also do discharge the administration of baptism in private, that is, in any place, or at any time, when the congregation is not orderly called together, to wait on the dispensing of the word; and appoints that this be carefully observed, when and wherever the Lord giveth his people peace, liberty and opportunity for their public assemblies, and ordains this present act to be publicly intimate in all the churches.

F I N I S.



NOTE. The foregoing Acts, Overtures and Regulations, relative to Church Discipline, have been carefully collected from the folio edition of the printed Acts of the General Assembly, and partly from Steward upon Perdivan's collections, &c. &c,